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128

Consular Letters

Havana

January 1, 1897
February 28, 1897

INDEX BUREAU
RECD.
JAN 5 1897
DEPT. OF STATE

U.S. Consulate-General
Havana, January 4. 1897.

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for the purpose, and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

ASSISTANT SECRETARY
JAN 1897

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:
All Offices (21,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: No. 8 Rumford Street.
GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
29	a	WS	29	US Govt Havana

RECEIVED at Washington D. C. Jany 4th 1897

Jan 4th Rockhill assistant
Secretary of State Washn DC
Had already taken steps
to obtain court Case hope to
arrange release and departure
from Island in few days
Lee

RECD. JAN 4 1897 DEPT. OF STATE

TELEGRAM RECEIVED. (Cipher)

File

From Havana

January 4, 1897.

Received 2 50 P.M.

Secretary of State
Washington D.C.

Private information daily strengthened Macro alive, very badly wounded. It is Kept(?) 37089 lest he be captured.

Lee

(37084 is "Kept very close")

[Deciphered by Rochester]

Copy.

Confirmation

5 Wu

TELEGRAM RECEIVED.

43

Confirmed Jan 11/97

DEPT. OF STATE
JAN-4,4.16PM 189
CHF. CLKS. OFFICE
RECEIVED

Secretary of State.
JAN 5 1897

From Havana

Jany 4, 1897.

Secretary of State,

Received 4.05 P.M.

Washington, D.C.

Harry J. Delgado is in spacious well ventilated ward St Ambrosio hospital with 20 or 30 others under the circumstances is comfortable Abscess lanced recovery possible no appetite weak small pulse better today

Lee

TELEGRAM RECEIVED IN CIPHER.

INDEX BUREAU
REC'D.
JAN 7 1897
DEPT. OF STATE

6 Confirmed Jan 11/97

From Havana, Jany 6, 1897.

Received 11.45.A.M.

O L N E Y,

Secretary of State,

Washington.

Was very busy, so dictated cable reply to newspaper asking information placing money disposal Delgado by directing substance of despatch to you to be sent as latest information in my possession. Did not think of regulation 396, and now doubtful if it applies. Matter was private and not political.

Lee.

Biddle.

No. 284.

ASSISTANT SECRETARY
JAN 9 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

INDEX BUREAU
RECD.
JAN 9 1897
DEPT. OF STATE

HABANA, January 6th, 1897.

6

Mr. LEE

TO THE

DEPARTMENT of STATE.

CASE OF OSCAR CESPEDES.

1 Enclosure.

No. 284.

U. S. CONSULATE GENERAL.

HABANA, January 6th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

With reference to previous despatches relative to the case of OSCAR CESPEDES, a citizen of the United States, imprisoned at the San Severino fort at Matanzas, I beg to enclose herewith a copy-translation of a communication received from the Acting Captain General acceding to my request that CESPEDES be transferred to the Cabañas fort of this capital, where his family resides.

I am, Sir,

Your obedient servant,

Consul General.

One enclosure: Acting Captain General to Mr. Lee, Jan. 3, 1897.

285

No. 285 .

Enclosure No. 1

With Despatch No. 284

H A B A N A , January 6, 1897.

TRANSLATION.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL. STAFF.

I have received your communication of the 29th ultimo in which, as a special grace and considering the bad state of health of Oscar Cespedes, a citizen of the United States imprisoned and under indictment at Matanzas, you ask, at the request of the prisoner's family, that he be transferred to fort Cabaña because his said family resides in this capital.

The transfer of prisoners subject to indictment proceedings (sumariados) is attended with dangers and inconveniences which it is best to avoid, limiting the cases of transfer to those absolutely necessary, in harmony with the general principles of the Law of procedure, and this necessity is not legally justified in the present case; it being also a requirement of the said Law that the accused should remain in the place where his cause is being instituted for the sake of brevity, considering that the proofs and witnesses to be examined are in the same place, as occurs in the present case.

Notwithstanding these considerations, as my wish is to defer to your desires, it affords me pleasure to grant your request, taking no notice of these inconveniences, and I will, therefore, order to-day that the said Oscar Cespedes be transferred immediately to the said fort and that the proceedings in his case continue in this capital, as I am persuaded that you will duly appreciate this determination as a special case due to the high consideration which you deserve, , not to be, therefore, held as a precedent hereafter for analogous petitions

God guard you many years, Habana, Jany. 3, 1897.

Signed: El Marques de Ahumada,
Acting Captain General.

To the Consul General of the United States.

285

No. 285.

ASSISTANT SECRETARY
JAN 9 1897
DEPARTMENT OF STATE

U. S. CONSULATE GENERAL.

INDEX BUREAU
RECD.
JAN 9 1897
DEPT. OF STATE

HABANA, January 6th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Secretary of State
JAN 12 1897

Relative to Dr. William Shaw Bowen, correspondent of the "New York World".

2 Enclosures.

No.285.

U. S. CONSULATE GENERAL.

HABANA, January 6th,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

Having been informed that the correspondent of the "New York World",Dr.William Shaw Bowen,had been permitted to enter the Cabañas fort,and that he had held interviews through the bars of their cells with several American prisoners (a privilege denied to me) I addressed a communication on the subject to the General in command of the fort,on the 2nd instant,receiving his reply on the same day. I beg to enclose for the information of the Department copies and translations of both communications referred to.

1/

2/

I am,Sir your obedient servant,

Fitzhugh Lee

Consul General.

2 Enclosures:

No.1.Mr.Lee to General Garrich,Jan.2,1897.

No.2 General Garrich to Mr.Lee,Jan.2,1897.

Enclosure No. 1.

With Despatch No.285.

H A B A N A , Jan.6,1897.

Copy.

U.S.CONSULATE GENERAL.

HABANA, Jan. 2,1897.

To His Excellency the General in Command of the fort Cabaña.

Excellency:

I am informed that the correspondent of the "New York World", Dr.William Shaw Bowen, has been permitted to enter the fort under your worthy charge, and that he has held interviews through the bars of their respective cells with the American prisoners there. If such report is true I beg you to please tell me why privileges are granted to an American journalist, which are denied to the Consul General of the United States.

I am, etc. etc.

(Signed) Fitzhugh Lee,

Consul General.

To the Consul General of the United States.

x Consular
Reports 17 Dec 97

286 Copy for Senate. 2/8-97

No. 286.

Enclosure No.2.

With Despatch No.285.

H A B A N A , January 6th,1897.

TRANSLATION.

MILITARY GOVERNMENT OF THE FORTRESS CABAÑA.

I beg to acknowledge the receipt of your courteous note of to-day inquiring whether the correspondent of the "New York World" has been permitted to enter this fortress and hold an interview with the prisoners through the bars of their respective cells; and in answer I have the honor to inform you that no such privilege has been granted to the said person, who with the proper authorization has only spoken to the American prisoners at the advanced guard room (avanzadilla), outside of the fortress on the first December last; and I can also assure you that according to information received from the prisoners themselves, the said correspondent has not entered this fortress, not even in disguise.

God guard you many years. Habana, Fort Cabaña, Jan.2,1897

(Signed) Jorge Garrich.

To the Consul General of the United States.

× Clemente Cruz? means 17 Dec.;

286

Cgn Presents. 2/8.97.

ASSISTANT SECRETARY
JAN 9 1897
DEPARTMENT OF STATE.

No. 286.

U. S. CONSULATE GENERAL.

INDEX BUREAU
RECD.
JAN 9 1897
DEPT. OF STATE

HABANA, January 6th, 1897.

6

File

Mr. LEE

TO THE

DEPARTMENT of STATE.

File

CASE OF GASPAR A. BETANCOURT.

1 enclosure.

No. ~~286.~~

U. S. CONSULATE GENERAL.

HABANA, January 6th,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to my despatch number 276 of the 30th December last,relative to the arrest of the American citizen,Dr. GASPAR A.BETANCOURT,I have the honor to enclose a copy-translation of a communication received from the Captain and Governor General of this Island,in answer to mine invoking in behalf of Dr.Betancourt the rights to which he is entitled under the Treaty of 1795 and Protocol of 12th January,1877,between the United States and Spain,and also that the question be solved by expelling from this Island the said American citizen.

It will be observed that the Captain General states that there being sufficient reasons for the proper courts to take cognizance of Betancourt's case the proceedings have been referred to the ordinary civil courts of justice,considering his condition of an American citizen.

I am,Sir,your obedient servant,

Fitzhugh Lee

One enclosure. Consul General.

Enclosure No.1.

With Despatch No. 286.

H A B A N A , January 6th,1897.

Translation.

GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

In answer to your courteous notes of the 28th and 31st ultimo and 4th instant,relative to the American citizen Mr. GASPAR A.BETANCOURT,I have the honor to inform you,that in view of the reports received by this Government and of guber-native proceedings having been initiated against him and others on the charge of sedition,and resulting from the said proceed-ings that there are sufficient reasons for the proper courts to take cognizance of the same,said proceedings have been re-ferred,as regards Betancourt,to the ordinary courts of justice, considering his condition of a citizen of the United States.

God guard you many years. Habana,January 5,1897.

(Signed) Valeriano Weyler.

To the Consul General of the United States.

Habana

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CONSULAR BUREAU

New York, January 8th, 1897.

Jan 8 - 97

Hon. William W. Rockhill,

Assistant Secretary of State, Washington, D. C.

File

Sir:

I have the honor to inform the Department that, under leave of absence granted me by Consul General Lee, according to paragraph 442 of Consular Regulations, I arrived on the 6th inst., from Havana, and my address in this city is No. 148 West 64th Street.

I am, Sir,

Very respectfully,

Your obedient servant,

Joseph A. Springer
Vice Consul General

Con

INDEX BUREAU REC'D. JAN 8 1897 8 P.M. DEP'T. OF STATE

TELEGRAM RECEIVED. [Cipher]

Secretary of State. From Havana JAN 11 1897

Secretary of State JAN 11 1897

January 8, 1897.

Received M.

Secretary of State
Washington, D.C.

Macco killed in a charge. No treachery by any one. Body, temporarily in the possession of the enemy, immediately afterwards regained by charge of our men, was carried away and buried.

Young Gomez fell wounded by the side of Macco and was killed by his enemy afterwards. This most reliable.

Lee

[Deciphered by Rochester - 8 P.M.]

287

No. 287.

ASSISTANT SECRETARY
JAN 20 1897
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
JAN 20 1897
DEPT. OF STATE

U. S. CONSULATE GENERAL.

HABANA, January 9th, 1897.

To Oshaudee Jan. 21/97

Mr. LEE

TO THE

DEPARTMENT of STATE.

Answering instruction number 187 of Dec.18th, 1896, relative to Charles Jackson.

One enclosure.

Com Rel
Cons
Mayor
WR

No. 287.

U. S. CONSULATE GENERAL.

HABANA, January 9th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

In answer to the Department's instruction number 187 of the 18th December last enclosing a copy of a letter from J.S. Ostrander, Mayor of Richmond, Indiana, relative to CHARLES JACKSON, I beg to transmit herewith a translation of a communication received from the Governor and Captain General of this Island in answer to one from me, stating that there is no such person imprisoned at the Morro Castle of this city.

I am, Sir,

Your obedient servant,

Consul General.

One enclosure:

The Governor General to Mr. Lee, Jan. 6, 1897.

Enclosure No.1.

With Despatch No.287.

H A B A N A , January 9th,1897.

TRANSLATION.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL.

I have the honor to inform you in answer to your note of the 4th instant that at Morro castle there is no citizen of the United States named Charles Jackson,to whom you refer in your said note.

God guard you many years. Habana 6 Jan.1897.

(Signed) Valeriano Weyler.

Sr.Consul Gral.de los Estados Unidos.

ASSISTANT SECRETARY
JAN 20 1897
DEPARTMENT OF STATE.

No. 288.

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
JAN 20 1897
DEPT. OF STATE

HABANA, January 9th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Transmitting protest of ARTURO AVERHOFF, an American citizen.

1 Enclosure.

No. 288.

DIPLOMATIC
JAN 25 1897
BUREAU.

U. S. CONSULATE GENERAL.

HABANA, January 9th, 1897.

Instructions to Madrid Jan 28

Honorable William W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose herewith a copy of a protest on file at this office from Mr. Arturo Averhoff, an American citizen owner of the "Esmeralda" plantation, situated at Aguacate, in this Island, against the Spanish Government for damages he has suffered in the said plantation caused by Spanish subjects in revolt.

I am, Sir,

Your obedient servant,

Consul General.

Enclosure: Protest as stated.

Enclosure No.1.

With Despatch No.288.

HABANA, Jan.9,1897.

COPY.

UNITED STATES CONSULATE GENERAL.

HABANA, January 7th, 1897.

On this seventh day of January, 1897, before me, the undersigned Consul General of the United States of America at Habana personally appeared Mr. ARTURO AVERHOFF, a resident of Aguacate, province of Habana, in this Island, who being duly sworn did declare and state as follows: that he is a native of this Island and a naturalized citizen of the United States since the year 1884, that he is 34 years of age; and is registered in this Consulate General as such a citizen under number 3512, in the year 1885, and naturalized in New York on the 16th December, 1884, at the District Court of the United States for the Southern District of New York; that since the year 1888 he owns the plantation "Esmeralda" situated at Aguacate, where he has resided ever since; that on the evening of the 14th December, 1896, at about nine o'clock his said plantation with all its appurtenances, namely: a magnificent house of stone and mortar and tiles with its furniture and all its contents, another large house, the same as the above, all the houses of the tenants (colonos) of the plantation, as likewise all the cane, together with horses and mares which have disappeared, owing to the whole plantation having been set on fire by spanish subjects in revolt.

Wherefore the said appearer doth solemnly and truly protest against the said outrages and considers himself entitled

to claim an indemnity from the Spanish Government,which he estimates at Thirty five thousand dollars ,U.S.money,and interests thereon until time of payment,and doth hereby make formal demand and claim upon the said Spanish Government for the said amount of indemnity,and such other relief as may be accorded in the premises.

(Signed) Arturo Averhoff.

Suscribed and sworn to before me this 7th day of January,1897.

Witness my hand and the seal of this Consulate General.

(Signed) Fitzhugh Lee,

Consul General.

I certify that the foregoing is a true and faithful copy of the original on file at this office.

Habana,January 8th,1897.

(Signed) Fitzhugh Lee,

Consul General.

No. 289.

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
JAN 16 1897
DEPT. OF STATE

HABANA, January 13.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Acknowledging receipt of instructions and circular.

---------0---------

No. 289.

U. S. CONSULATE GENERAL.

HABANA, January 13.1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of the Department's instructions, Nos.189 to 196 inclusive; also circular dated December 14th.1896.

I am, Sir,

Your ~~obedient servant,~~

Fitzhugh Lee

Consul General.

No. 290.

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REC'D.
JAN 16 1897
DEPT. OF STATE

U. S. CONSULATE GENERAL.

HABANA, January 12, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Confirming telegrams.

No. 290.

U. S. CONSULATE GENERAL.

HABANA, January 12,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

I beg to acknowledge the receipt of the following telegrams:

(January 6th)

"Lee,Consul General,Habana.

"Your telegram to newspaper respecting Delgado "case must be inadvertence,violates statute and consular "regulations 396. Explain. Olney".

(January 7th)

"Lee,Consul General,Habana.

"Have yours about Delgado,newspaper despatch re- "gulation 396 undoubtedly applies,violation thereof must "not be repeated. Olney".

(January 11th)

"Lee,Consul General,Habana.

Inquire and report why Competitor acses are not pro-

No. 2.

U. S. CONSULATE GENERAL.

HABANA,

"ceeded with. Rockhill".

I am, Sir, your obedient servant,

Consul General.

No. 291.

ASSISTANT SECRETARY
JAN 19 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

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REC'D.
JAN 16 1897
DEPT. OF STATE

HABANA, January 12,1897.

Ackdge Jan. 21/97

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to the request of Mr.Elias Ponvert to grind.

3 Enclosures.

Com Bur
Ans - will be to
from for early mail
to limit to
of 7th inst
the disposition
action taken in this
29?

No.291.

U. S. CONSULATE GENERAL.

HABANA, January 12th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose copies of two communications addressed to the Governor and Captain General relative to a request of Mr. Elias Pomvert, manager of the "Hormiguero Central Company", an American organization, for permission to grind the cane of the said estate; and also copy of the Captain General's answer thereto to the effect that there is no prohibition to grind the burnt cane.

I am, Sir, your obedient servant,

Consul General.

3 Enclosures:

No.1. Mr. Lee to Governor General, Jan. 7.

No.2. Mr. Lee to Governor General, Jan. 8.

No.3. The Governor General to Mr. Lee, Jan. 8.

Enclosure No. 1

With Despatch No. 291

H A B A N A , January 12th,1897.

COPY.

U.S.CONSULATE GENERAL.

HABANA,January 7th,1897.

To His Excellency the Governor Captain General of the Island of Cuba.

Excellency:

I have the honor to enclose a copy of a letter received from Mr.Elias Ponvert,administrator of the "Hormiguero" sugar estate ,near Cienfuegos,which I ask that you consider as promptly as possible because similar statements have been received from other Americans interested in the cultivation and grinding of sugar,all of who are waiting,not knowing for want of instructions how to proceed.

I am quite sure you can readily understand the importance of some definite procedure,as so many persons and such vast interests are to be governed by such decision.

I consider the request made in the enclosed letter as very reasonable under the circumstances.

The Administrator of this large American Company simply desires to have the necessary instructions issued,which will permit him to receive the coal,property of his Company,now already loaded on cars or on board of a ship,now in port,also that no difficulties be put to the works of this plantation.

The Company whose great interests are so closely involved are naturally anxious to ascertain the policy of your government,so far as it affects their commercial interests on this Island,begging to be forwarded with an early reply I am, etc.

(Signed) Fitzhugh Lee,

Consul General.

Enclosure No. 2

With Despatch No. 291

H A B A N A , January 12,1897.

Copy.

U.S.CONSULATE GENERAL.

HABANA,January 8th,1897.

To His Excellency the Governor and Captain General
of the Island of Cuba.

Excellency:

Yesterday I wrote to you in reference to the "Hormiguero" Central Company,an American organization,stating their wish to be permitted to grind the cane on that estate,being well protected from outside interference.

This morning I have the honor to submit a copy of a letter of the Administrator of the said estate simply requesting that he be allowed to grind the burnt cane in order to prevent its total loss.

I hope you may be able to see your way clear to grant this permission and to instruct your proper officer in that section by telegraph to that effect.

I am, etc.

(Signed) Fitzhugh Lee,

Consul General.

Enclosure No. 3.

With Despatch No. 291.

H A B A N A , January 12,1897.

TRANSLATION.

ARMY OF THE ISLAND OF CUBA . CAPTAINCY GENERAL. STAFF.

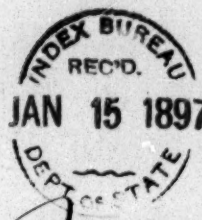
In answer to your note dated to-day, requesting authorization for the "Hormiguero Central Company" to grind the burnt cane in the said estate, I have the pleasure to inform you that there is no prohibition to do so, thus far.

God guard you many years. Habana, Jan. 8, 1897

(Signed) Valeriano Weyler.

To the Consul General of the United States.

TELEGRAM RECEIVED. 13



From Havana

Jany 13, 1897.

Received 3 50 P.M.

Secretary of State,

Washington.

Govt Jan. 18/97

Government has restored protection to Rigney Lee

292

No. 292.

ASSISTANT SECRETARY
JAN 19 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
JAN 19 1897
DEPT. OF STATE

HABANA, January 13,1897.

Filed Jan. 21/97

Mr. LEE

TO THE

DEPARTMENT of STATE.

File

Answering instruction number 204 of the 6th instant, relative to Messrs.E.Atkins and Company.

292

No. 292.

ASSISTANT SECRETARY
JAN 19 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
JAN 19 1897
DEPT. OF STATE

HABANA, January 13,1897.

Filed Jan. 21/97

Mr. LEE

TO THE

DEPARTMENT of STATE.

Ans

Answering instruction number 204 of the 6th instant, relative to Messrs.E.Atkins and Company.

No. 292.

U. S. CONSULATE GENERAL.

HABANA, January 13,1897.

Honorable Richard Olney,

Secretary of State,

Washington,D.C.

Sir:

Replying to your instruction number 204 of the 6th instant relating to the case of Messrs.E.Atkins and Company,I write to say that in company with Mr.Atkins I held a conversation with Captain General Weyler on matters pertaining to the interest of the said firm; stating that permission for workmen to go to the estate had been denied by the General of the district who said to the manager that he had orders from General Weyler to prevent grinding.

General Weyler denied having issued such orders,advised a few days further delay,but stated to Mr.Atkins that he could do as he thought best.

It appears ,therefore,that the Captain and Governor General,for some reason,does not desire to go on record in writing, either for prohibiting grinding or granting permission for same.

I am,Sir,your obedient servant,

Consul General.

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REC'D.
JAN 15 1897
DEPT. OF STATE

Secretary of State.
JAN 15 1897

Consulate General of the U.S.
Havana, January 14. 1897

Confirmed Jan. 16/97

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

ALL CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

STATE DEPT. OFFICE RECEIVED JAN 15 8 35 AM

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

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All Offices (21,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

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No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: No. 8 Rumford Street.
GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
8	C & K	Vs	Gov 19	Havana Jan 14

RECEIVED at Washington D C 10 10p Jany 14 189

Secretary State
Washington

Domeillan Sentenced to life imprisonment with Chains an appeal will be taken

Lee

ASSISTANT SECRETARY
JAN 19 1897
DEPARTMENT OF STATE.

No. 293.

INDEX BUREAU
REC'D.
JAN 19 1897
DEPT. OF STATE

U. S. CONSULATE GENERAL.

HABANA, January 14,1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Answering instruction number 198 of Jan.6th.,

relative to MATT F.KERSEY.

No. 293.

U. S. CONSULATE GENERAL.

HABANA, January 14,1897.

Honorable William W.Rockhill,
Assistant Secretary of State,
Washington,D.C.

Sir:

Replying to your instruction number 198,of the 4th instant,I have the honor to state that I am making every effort to ascertain the whereabouts and present condition of Matt F. Kersey,and will report as soon as I can get the necessary information.

I have addressed a letter of inquiry to the Governor General in addition to other steps taken.

I am,Sir,your obedient servant,

Consul General.

No. 294.

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JAN 19 1897
DEPT. of STATE

ASSISTANT SECRETARY
JAN 19 1897
DEPARTMENT OF STATE

U. S. CONSULATE GENERAL.

HABANA, January 14, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Answering instruction number 200, of Jan. 4th, relative to

SALVADOR FERNANDEZ.

No. 294.

U. S. CONSULATE GENERAL.

HABANA, January 14,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

Replying to instruction number 200,of the 4th instant, in reference to SALVADOR FERNANDEZ,I have the honor to state that so far I have not been able to get any information on the subject,as there is no record in this office of such a person, or have I been able to ascertain that any such American citizen is confined at the Cabañas fortress. There is an American prisoner at said fort named Manuel Fernandez Chaqueilo,to whom references have been made previously,as being the person who was tied to Charles Govin,when they were both captured by the spanish troops in July last.

I have addressed a letter of inquiry to the Governor General on the subject.

I am,Sir,your obedient servant,

Consul General.

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No. 295.

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HABANA, January 14,1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Answering instruction number 201,of Jan.5th.,relative to the death of PEARCE ATKINSON.

No. 295.

U. S. CONSULATE GENERAL.

HABANA, January 14,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to instruction number 201,of the 5th instant,enclosing a copy of a letter from Mr.Joseph C.Sibley,relative to the death of PEARCE ATKINSON,I have the honor to state that I have recently written a letter to Mr.G.W.Pearce Atkinson,father of the gentleman referred to,giving him all the information I had on the subject,and stating that I would make every endeavor to ascertain the facts in the case.

It is difficult to get them,as you can readily realize,on account of the war now going on in this Island.

I am,Sir,your obedient servant,

Consul General.

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No. 296.

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HABANA, January 14,1897.

File

Mr. LEE

TO THE

DEPARTMENT of STATE.

Dec

Answering instruction number 203,of Jan.6th.,relative to

HENRY J.DELGADO.

No. 296.

U. S. CONSULATE GENERAL.

HABANA, January 14,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to instruction number 203 of the 6th instant,relative to HENRY J.DELGADO,I have the honor to say that nothing can be done in looking towards his liberation at present,but that the papers showing his American nationality,etc., will be duly filed and acted upon at the proper time.

DELGADO is very sick at present in the San Ambrosio hospital in this city.

He was captured in a Cuban hospital,where he had gone for treatment,but, I am informed without arms in hand.

A large abscess,which formed in the lower portion of his abdomen ~~stomach~~, was lanced and from it a large amount of pus was discharged.

His condition is serious and critical,but I have at least succeeded in getting permission for Dr.Burgess,the United States Sanitary Inspector,to visit him daily,hoping in that way to get full and reliable accounts of his condition.

His friends have generously supplied him with money,and I am using it in such sums as may be necessary at the time, to relieve his sufferings,and add to his comfort.

I am,Sir,your obedient servant,

Consul General.

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No. 297.

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U. S. CONSULATE GENERAL.

HABANA, January 14,1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

File

Confirming telegram relative to RIGNEY, in answer to instruction number 205, of the 6th. January.

No. 297.

U. S. CONSULATE GENERAL.

HABANA, January 14,1897.

Honorable Richard Olney,

Secretary of State,

Washington,D.C.

Sir:

With reference to your instruction number 205,of the 6th instant,I had the honor to transmit to you yesterday the following telegram,reading:

"Secretary of State,

"Washington.

"Government has restored protection to Rigney

"Lee. "

Which I now have the honor to confirm.

I am,Sir,your obedient servant,

Consul General.

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No. 298.

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U. S. CONSULATE GENERAL.

HABANA, January 14, 1897.

Acked Jan 21/97
To Spain
March 20.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Sentence of life imprisonment imposed on the American citizen Mr. Louis Someillan.

Com. 1 Enc.

Ask with N° 303 and tell him to see full proceedings without any delay
They will be against Lawyers
WR

No. 298.

U. S. CONSULATE GENERAL.

HABANA, January 14,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

To-day the Court condemned the American citizen Mr.Louis Someillan to imprisonment for life, with chains and payment of costs of trial, and perpetual vigilance.

I am informed that an appeal will be taken to the Supreme Court at Madrid.

I attended Court in person upon two of the three days of his trial, and had the proceedings translated to me as they progressed. There is no evidence against this American citizen to justify any sentence of this sort.

The imposition of the sentence seemed to rest upon a general suspicion that he sympathized and aided the rebellion.

There was absolutely no proof that he was connected in any way with a telegram said to have been received here about the departure of a filibuster expedition from Florida, and upon this telegram the whole case seemed to rest.

The fiscal or prosecuting attorney, Mr.Vidal, declared that while the evidence might not have been sufficient to convict the prisoner, the glory of Spain demanded that he should be punished on presumptions that his sympathies were enlisted against that country.

I shall send full proceedings of the case to the Department and would recommend that every effort be made to protect and shield this gentleman, who, in my opinion, has been improperly sentenced.

I am, Sir, your obedient servant,

Consul General.

Confirm file in my order

TELEGRAM RECEIVED.

ASSISTANT SECRETARY
24
JAN 15 1897
DEPARTMENT OF STATE.

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From Havana

Jany 15, 1897.

Received 2¼4 P.M.

Asst Secretary State,

Washington.

Conf'd Jan. 18/97

Louis Lay, American Citizen

arrested at Club at

Regla confined Fort Cabanas

months has been released

Lee

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TELEGRAM RECEIVED. Cipher

Confirmed Jan. 18 97

From Havana

January 15, 1897.

Received ____ M.

Secretary State
Washington
DC

Some well-informed persons think insurgent leaders might accept reforms on line the President's message; if truce twenty days be offered by Spain and accepted by them, a conference of all parties interested may formulate ~~reforms~~ mutually acceptable reforms. The great destruction property continues. No apparent progress in military operations by either party.

Lee

No. 299.

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U. S. CONSULATE GENERAL.

HABANA, January 15,1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Answering instruction number 197, of the 4th instant, relative to RALPH D.PAINE.

Com Bur
Communicate to interested parties in U.S.

No. 299.

U. S. CONSULATE GENERAL.

HABANA, January 15,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

Replying to instruction number 197,of the 4th instant,I have the honor to state that no definite information can be obtained regarding RALPH D.PAINE,referred to in said instruction. I have addressed a letter of inquiry to the Governor and Captain General on the subject.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

No. 300.

ASSISTANT SECRETARY
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HABANA, January 15,1897.

Ackd Jan. 21/97

Mr. LEE

TO THE

DEPARTMENT of STATE.

Release of LOUIS LAY an American citizen.

Cons. Rpt

Ask a function whether
the Act of ... applies
duly protected by the Cpl
Gen. of the Treaty rights
should do it. If
case, use all proper
means to secure
release.

No. 300.

U. S. CONSULATE GENERAL.

HABANA, Jamuary 15,1897.

Homorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the homor to report that LOUIS LAY,an American citizen,whose arrest was duly communicated to the Department,has been released. This gentleman was seized in a social club of Regla,tied and carried to the fort Cabaña.. It has taken the authorities over two months to ascertain the fact that he has been guilty of no offense and violated no law. This is contrary to the Protocol of the 12th Jamuary,1877,and article 386 of the Spanish Law of Criminal Procedure,ruling in Cuba and Porto Rico,which provides that "in case of the arrest of a person accused,his first statement shall be taken within 24 hours."

I am,Sir,your obedient servant,

Consul General.

ASSISTANT SECRETARY
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No. 301.

U. S. CONSULATE GENERAL.

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HABANA, January 15, 1897.

Tobacco
Jan. 21/97

Mr. LEE

TO THE

DEPARTMENT of STATE.

Answering instruction number 200, in addition to my previous despatch number 294, relative to SALVADOR FERNANDEZ.

1 Enclosure.

Con. Bur
To intendencia
U. S.

No. 301.

U. S. CONSULATE GENERAL.

HABANA, January 15,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

As supplementary to my previous despatch number 294,answering the Department's instruction number 200,of the 4th instant,relative to SALVADOR FERNANANDEZ,I beg to enclose a copy-translation of a communication received from the Captain General asking for the second surname of Fernandez,as there is a person of that name imprisoned at the Cabaña fort,but it is not known that he is an American citizen. There is no record in this office of Salvador Fernandez,nor does his name appear in the register of citizens of the United States kept by this Consulate General.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure:

The Governor and Captain General to Mr.Lee;Jan.14th.,1897.

Enclosure No.1.

With Despatch No.301.

H A B A N A , January 15,1897.

TRANSLATION.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL. STAFF.

In answer to your note of to-day I have to inform you that there is a prisoner named Salvador Fernandez at the Cabaña fort it being necessary that you give the second surname of the person you refer to, in order to ascertain if he is the same one, although it is not known that he is an American citizen.

God guard you many years. Habana, Jan.14,1897.

(Signed) Valeriano Weyler.

To the Consul General of the United States.

CRANE'S

No. 302.

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U. S. CONSULATE GENERAL.

HABANA, January 15, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to Mr. MATT F. KERSEY.

1 Enclosure.

Con Kersey Jan 97

To family of Kersey

No. 302.

U. S. CONSULATE GENERAL.

HABANA, January 15,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

As supplementary to my despatch number 293 of the 14th instant,I beg to enclose a copy-translation of a communication received to-day from the Captain General in reference to Mr. MATT F.KERSEY.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: Copy referred to.

Enclosure No.1.

with Despatch No.302.

H A B A N A , January 15,1897.

TRANSLATION.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL. STAFF.

In answer to your polite note of yesterday I take pleasure in informing you that there being no record in this Government of the American citizen Matt F.Kersey,I have under this date ordered the Military Authority of Hoguin,to whose Division the town of Gibara belongs,to report in regard to the whereabouts or condition of the said Mr.Kersey,and I will have the pleasure to transmit to you the result of the investigation.

God guard you many years. Habana,Jan.15,1897.

(Signed) Valeriano Weyler.

To the Consul General of the United States.

303

No. 303.

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U. S. CONSULATE GENERAL.

HABANA, January 15, 1897.

Aikt Jan. 24/97
To Spain March 20

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to sentence imposed on Mr. LOUIS SOMEILLAN.

1 Enclosure.

No. 303.

U. S. CONSULATE GENERAL.

HABANA, January 15,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

In connection with the sentence imposed on Mr.LOUIS SOMEILLAN,subject of my previous despatch number 298,dated yesterday,I have the honor to transmit herewith a translation of the first clause of said sentence ,by which it will be seen that it is found sufficient cause to sentence a naturalized American citizen upon the mere fact that he has changed his flag. In this case the gentleman in question became naturalized, not during the present war, but, fifteen years before the same broke out,since which time he has been the agent here of a New York tobacco company,pursuing his business.

I am,Sir,your obedient servant,

Consul General.

1 Enclosure:

Translation referred to.

Enclosure No.1.

With Despatch No.303.

H A V A N A , January 15,1897.

TRANSLATION.

First clause of the sentence against Mr.Louis Someillan.

----------o----------

1. CONSIDERING: that the public rumor attributing to Mr. Louis Someillan y Azpeitia dissaffection to the cause and to the interests of Spain was not certainly wrong,because such a change of nationality without a justified cause to explain it suggests the rational suspicion that who thereby breaks with his traditions and history,does so through hatred or at least indifference to his former Country,to continue,notwithstanding, in the enjoyment of the advantages which the legislation and customs of the spanish society affords him,carrying in the bottom of his heart the separatist seed of which he is a living and personal example.

- - - - - -

2.

1º Considerando: que al atribuir el rumor público á don Luis Someillán y Azpeitia desafección á la causa y á los intereses de España no andaba ciertamente desacertado porque ese cambio de nacionalidad sin causa justificada que lo explique sugiere la racional sospecha de que, quien rompe de ese modo con sus tradiciones y su historia, hácelo por odio ó indiferencia al menos á la antigua Patria, para continuar en el goce sin embargo de las ventajas que le ofrecen la legislación y las costumbres de la sociedad española, llevando en el fondo del corazón el fermento separatista de que es vivo y personal ejemplo.

No. 304.

ASSISTANT SECRETARY
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To Kelley Jan. 23/97

U. S. CONSULATE GENERAL.

HABANA, January 15,1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to Mr.RIGNEY of sugar estate TERESA , near Manzanillo.

1 Enclosure.

Com'l Rpt
Consul at
Jantes — H U.S.
NP

No. 304.

U. S. CONSULATE GENERAL.

HABANA, January 15,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to my despatch number 281 of the 31st December last,enclosing copy of a communication addressed from this office to the Governor and Captain General,relative to sugar estate "Teresa" at Manzanillo,I now have the honor to transmit herewith a copy-translation of a communication received to-day from the Captain General in answer thereto.

I am,Sir,your obedient servant,

Consul General.

1 Enclosure:

The Captain General to Mr.Lee,Jan.14th.

Enclosure No.1.

With Despatch No.304.

H A V A N A , January 15,1897.

TRANSLATION.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL. STAFF.

In answer to your communication of the 23rd December last, requesting that orders be issued to Manzanillo in order that the necessary arms for the private guerrilla of the sugar estate "Central Teresa" be delivered to Messrs.Rigney and Co., I have the pleasure to inform you that on the 30th ultimo the proper orders were issued to that effect.

God guard you many years. Habana, Jan.14,1897.

(Signed) Valeriano Weyler.

To the Consul General of the United States.

305

No. 305.

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U. S. CONSULATE GENERAL.

HABANA, January 16,1897.

Acknd Jan. 29/97

Mr. LEE

TO THE

DEPARTMENT of STATE.

Answering telegraphic instruction relative to FRANK J. LARRIEU, under arrest at Cardenas.

No. 305.

U. S. CONSULATE GENERAL.

HABANA, January 16,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

In compliance with your telegraphic instruction of the 14th instant directing me to report at once present status Larrieu case,under arrest at Cardenas,I beg to state that, in answer to a telegram from me,Mr.Hance,our Consul at said port, reports by telegraph as follows:

"The case was transferred to the ordinary jurisdic-
"tion on the 22nd of August. The judge of instruction
"referred the proceedings to the Superior Court (Audiencia)
"of Matanzas in the middle of October. The Superior Court
"of Matanzas again returned the proceedings to the judge
"of instruction to amplify the testimony. This testimony
"shall be forwarded to the Superior Court of Matanzas
"within a few days. There are no proofs sufficient to
"convict him (Larrieu) and I expect that he will be soon
"released.

Hance".

I am,Sir,your obedient servant,

Consul General.

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Copies for the Senate

No. 306.

ASSISTANT SECRETARY
JAN 19 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

HABANA, January 16,1897.

16

File

Mr. LEE

File

TO THE

DEPARTMENT of STATE.

Acknowledging receipt of telegram relative to FRANK J. LARRIEU, ESTEBAN VENERO, JOSE GONZALEZ and GASPAR A. BETANCOURT.

No. 306.

U. S. CONSULATE GENERAL.

HABANA, January 16,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to confirm the following telegram from you reading:

(Jan.15)

"Lee,Consul General, Habana.

"In the cases of Frank J.Larrieu,Esteban Venero,Jose "Gonzalez and Gaspar A.Betancourt insist that charges be "immediately communicated to you or men be released.

Rockhill".

In compliance therewith I addressed at once a communication to the Governor and Captain General and as soon as an answer is received I will transmit it to you.

I am,Sir,your obedient servant,

Consul General.

See telegram of Jany 15

No. 306.

U. S. CONSULATE GENERAL.

HABANA, January 16,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to confirm the following telegram from you reading:

(Jan.15)

"Lee,Consul General, Habana.

"In the cases of Frank J.Larrieu,Esteban Venero,Jose "Gonzalez and Gaspar A.Betancourt insist that charges be "immediately communicated to you or men be released.

Rockhill".

In compliance therewith I addressed at once a communication to the Governor and Captain General and as soon as an answer is received I will transmit it to you.

I am,Sir,your obedient servant,

Consul General.

See telegram of January 15

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No. 307.

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U. S. CONSULATE GENERAL.

HABANA, January 16,1897.

3 War Jan 21/97

Return of enclosure requested of War Dept. Apl. 9/98.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Forwarding a "General Account of the campaign" issued by Spanish Colonial Ministry.

One enclosure.

Com Bd:
War Dept. might extract from this -
WR

No. 307.

U. S. CONSULATE GENERAL.

HABANA, January 16,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to transmit herewith the "General Account of the campaign from the 4th March,1895,to the 30th June,1896,by the Director of Finance of the Spanish Ministry of the Colonies (Ultramar) ".

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure as stated.

No. 308.

U. S. CONSULATE GENERAL.

HABANA, January 16,1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Acknowledgement of instructions.

No. 308.

U. S. CONSULATE GENERAL.

HABANA, January 16,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to acknowledge the receipt of the Department's instructions numbered from 197 to 209,inclusive.

I am,Sir,

Your obedient servant,

Consul General.

Decipher E.L.W.

NOTES BUREAU RECD. JAN 19 1897 DEPT. OF STATE

ASSISTANT SECRETARY JAN 19 1897 DEPARTMENT OF STATE.

TELEGRAM RECEIVED.

Ans'd Jan. 20/97

From Havana

January 18, 1897.

Assistant Secretary of State. Received 7.33 P.M.

Washington

Insurgent- cavalry captured train Saturday night- three miles from Havana, Captured Eight- officers, twelve privates, with three thousand dollars from paymasters on board. Hung the Cuban officer of the party afterwards released,

Harry Delgado is worse.

Lee.

309 File

No. 309.

U. S. CONSULATE GENERAL.

HABANA, January 18.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Returning certain correspondence belonging to the Department of State.

---0---

Four enclosures.

---0---

No. 309.

U. S. CONSULATE GENERAL.

HABANA, January 18.1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to return herewith certain correspondence belonging to the Department and loaned to me during my recent visit to Washington.

I am, Sir,

Your obedient servant,

Consul General.

Enclosures:-

Filed. 1.Mr.Taylor to Mr.Olney, No.581, October 24.1896.

" . 2.Mr.Lee to the Dept.of State, No.198, October 27.1896.

" . 3.Mr.Taylor to Mr.Olney, No.589, October 29.1896.

4.Mr.Rockhill to Mr.Springer, no number, November 14.1896.

Sent to C. G. again as No. 161½.

Havana

Urgent

Cable Dept

Consul Instructed to ascertain
charge & inform that
without any delay
U.S. Rodriguez
Mr. Rodriguez

Cnfd printed
Jan. 21/97

ASSISTANT SECRETARY JAN 20 1897 DEPARTMENT OF STATE
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Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All **CABLE MESSAGES** received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT. President and General Manager.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

All Offices (21,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: No. 8 Rumford Street.
GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
47 Z	Br	am	20	as gort Havana

RECEIVED at Washn DC 5 19 Jan 19 1897

Jan 19 Assistant Secretary State
Washington (DC)
Mrs Eva Adan Rodriguez American citizen arrested puerto principe charges unknown.
Lee Consul General

Deciphered by E.H.V.

Confd Jan. 21/97

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TELEGRAM RECEIVED.

ASSISTANT SECRETARY JAN 20 1897 DEPARTMENT OF STATE

From Havana

January 19, 1897.

Received M.

Assistant Secretary of State
Washington
D C.

copy to Senate. Feb. 8.

Mailed reply to instructions of the fourteenth on the sixteenth, Asked for information on the twelfth from the Captain General necessary to reply to instructions of the Eleventh, also on fifteenth to reply to despatch that date I have received no response to Either communication, Captain General left this morning with Column troops to proceed Easterly direction Matanzas, Will demand today from the acting Captain General replies to the two unanswered communications, If I do not promptly receive answer will notify Department,

Lee

No. 310.

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U. S. CONSULATE GENERAL.

HABANA, January 19,1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Ackmowledging receipt of a telegram.

No. 310.

U. S. CONSULATE GENERAL.

HABANA, January 19th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

I beg to acknowledge the receipt of the following telegram recived to-day:

"Lee, Consul General, Habana.

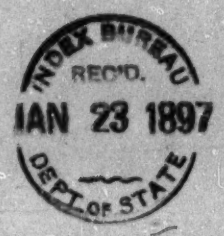
"Cable reply to Department's instructions by cable ele-
"venth, fourteenth and fifteenth January.

(Signed) Rockhill."

I am, Sir, your obedient servant,

Consul General.

No. 311.



U. S. CONSULATE GENERAL.

HABANA, January 19, 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Confirming telegrams.

-------((o))-------

No. 311.

U. S. CONSULATE GENERAL.

HABANA, January 19.1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

I beg to confirm the following telegrams:-

Jan/14.1897.

"Secretary of State,Washington.

"Someillan sentenced to life imprisonment with chains.

"An appeal will be taken. (signed) Lee"

Jan.15.1897.

"Assistant Secretary of State,Washington.

"Louis Lay,American citizen,arrested at club in

"Regla,confined Fort Cabañas 2 months,has been

"released. (signed) Lee."

Jan.19.1897.

"Assistant Secretary of State,Washington.

"Mrs.Eva Adan Rodriguez,American citizen,arrested

"Puerto Principe. Charges unknown. (s'g'd. Lee."

I am,Sir,

Your obedient servant,

Consul General.

U.S. Consulate General

Havana, January 20. 1897

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ASSISTANT SECRETARY
JAN 21 1897
DEPARTMENT OF STATE

Copied
Jan 21/97

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All **CABLE MESSAGES** received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

All Offices (21,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

LONDON:
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LIVERPOOL: No. 8 Rumford Street.
GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Buckhall Chambers.

7102

NUMBER	SENT BY	RECD. BY	No. OF WORDS.	CHARGES	FROM
60	AmR	25			Havana Govt

Jany 20 189

RECEIVED at

Assistant Secy of State (Jany 20)
Washington

Atkins workmen required to report Cienfuegos daily for passes This prevents grinding without giving orders to that effect
Lee. Consul Genl

Cain Bros

Confirm - My instruction of
day before yesterday to forward
Capt Gee's first written order
forbidding grading of cane
covers the case and may
be referred to in confirming
this telegram.

W R

Con
Confin. File

Cmfd Jan. 21/97

INDEX BUREAU RECD. JAN 20 1897 DEPT. OF STATE

ASSISTANT SECRETARY JAN 21 1897 DEPARTMENT OF STATE

TELEGRAM RECEIVED. [partly in cipher]

From Habana

January 20, 1897.

Received 7 19 P. M.

Asst Secy State
Washington

Ser Williams' despatch 2988, May 21st 1896. Levitt and Barnett are confined with other "Competitor" prisoners in Cabanas. Are treated like other "Competitor" prisoners.

Lee

[Deciphered by Rochester. 8 P.M.]

Havana

TELEGRAM RECEIVED.

DEPT. OF STATE
JAN 20, 1:20 PM '97
CHF. CLKS. OFFICE
RECEIVED

INDEX BUREAU
REC'D.
JAN 20 1897
DEPT. OF STATE

From Havana

Jany 20, 1897.

Received 10.45 A.M.

Assistant Secretary State,

Washn, D.C.

A. J. Delgado in hospital here died last night inform W. E. D. Stokes 262 West 72d. St, R. E. A. Dorr, Mail & Express, Green & Co Bankers, Broadway New York City. Remains can be sent by Ward Steamer tomorrow if desired but must be Embalmed probable expense Seven hundred dollars ask Parties

TELEGRAM RECEIVED.

From _____

_____, 189 .

_____ *Received* _____ *M.*

_____

_____

2

reply promptly

Lee

No. 312.

ASSISTANT SECRETARY
JAN 23 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

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HABANA, January 20, 1897.

Ackd to Jan 28/97

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to the case of ANTONIO SUAREZ DEL VILLAR.

1 Enclosure.

Cm Rec'd

Ask as to Mr. Alvord's wishes to demand writ of error

WR

No. 312.

U. S. CONSULATE GENERAL.

HABANA, January 20,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to previous correspondence relative to the case of the American citizen,ANTONIO SUAREZ DEL VILLAR,arrested at Cienfuegos,on September 6th,1896,charged with purchasing and concealing arms and ammunition,and who is now at the Cienfuegos jail awaiting trial before the civil courts,to which jurisdiction his case was transferred at the request of this Consulate General,I now beg to enclose a copy of a letter from Mr.Suarez del Villar complaining against the delay in the proceedings.

I respectfully suggest that Mr.Mac Garr,our Consul at said place,be instructed, as you may deem ~~convenient~~ further, in connection with the said case.

I am,Sir,your obedient servant,

Consul General.

One enclosure: Copy of letter referred to.

Enclosure No.1.

With Despatch No. 312.

H A B A N A , January 20th,1897.

Copy.

Cienfuegos,January 16th,1897.

Fitzhugh Lee,Esq.

U.S.Consul General,

Habana.

Dear Sir:

I again address myself to you after reading your letter to the American Consul in this city,Mr.Owen Mac Garr,written on the 5th of this month,to say to you that the cause that the military jurisdiction delivered on the 23rd of december,1896,to the court of justice was the first I had instructed on the 7th of the same month of December1896.

What I pray you to obtain from me fromnthe Captain General is an order to inhibit the cause that the lieutenant of the civil guard Lorenzo Gomez Andana formed on the 12th October 1896 and make it pass to the civil jurisdiction.

This cause was initiated on the same day,12 October,1896, and since then nothing has been done on this cause,although Lorenzo Gomez Andana stated to vice consul Dr.J.Casanova,who sent the despatch to Havana that this process would not prosper on account of its insufficiency and that it was also disposed if my liberation was decreed by order of the judge of instruction this would not be an obstacle for the order given by him to detain menas a prisoner having effect. These statem ments of Gomez Andana were communicated on the 12th of this month to the American consul in this city,Mr.Owen Mac Garr.

If what lieutenant Mr.Gomez Andana says my cause must be in Havana and in consequence my liberation must be decreed.

If the judge that instructs this process thinks there is no cause for it, why am I kept a prisoner?

I would be much obliged if you would please attend to this and try to obtain from the superior authority my immediate delivery.

I think I must inform you that I have been made a prisoner solely on account of a man named Luis Estrada, who is a swindler and is in prison for this and other crimes he has committed in this city. This Luis Estrada said while in prison for these crimes that he knew that I had been in conference with the insurgent leader Rego during the month of January or February 1896.

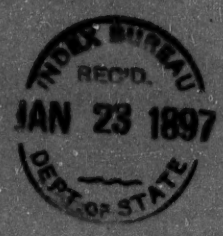
And this accusation of a criminal was enough for the authorities to give an order of imprisonment against me.

I address myself directly to you on account of Mr .Mac Garr having told me he is too occupied just now with other affairs and not wanting to molest him I write to you myself.

I am, etc.

(Signed) Antonio Suarez del Villar

No. 313.



U. S. CONSULATE GENERAL.

HABANA, January 20, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Confirming telegram reporting death of DELGADO.

No. 313.

U. S. CONSULATE GENERAL.

HABANA, January 20th,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

I beg to confirm my telegram of this date reading:

"Assistant Secretary of State,

"Washington,D.C.

"H.J.Delgado in hospital here died last night. Inform "W.E.D.Stokes 262 west 72nd street,R.E.A.Dorr,Mail and Express,Greener Co.,Bankers,Broadway New York city. Re- "mains can be sent by Ward steamer to-morrow,if so desired, "but must be embalmed. Probable expense seven hundred dol- "lars. Ask parties reply promptly. "Lee."

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

No. 314.

Secretary of State.
FEB 27 1897

ASSISTANT SECRETARY
JAN 27 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

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HABANA, January 21,1897.

Mr. Secretary
Yours truly
This WK

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to the death of Harry J.Delgado,at the San Ambrosio hospital.

2 Enclosures.

No. 314.

U. S. CONSULATE GENERAL.

HABANA, January 21,1897.

Honorable William W.Rockhill,
Assistant Secretary of State,
Washington,D.C.

Sir:

Confirming my telegram of the 20th instant, in reference to Henry J.Delgado's death,I write to say that the said American citizen died in the San Ambrosio hospital here on the night of the 19th instant at about 8 p.m.

After the operation of lancing the abscess,which formed in the right half of the abdomen,he gradually grew weaker, no appetite,and the last few days had an exhaustive diarrhea,which was suspected of having communication with the original abscess.

Having received information that he was much troubled at night by the noise and lights around and above him,I addressed a communication to the Captain General,of which I enclose a copy. This communication,as you see, was dated on the 16th. To this I received no reply. Delgado dying three days after.

I also enclose a copy of a letter from him to me which made it more imperative that I should ~~attempt to~~ relieve his situation. Dr.Burgess,the U.S.Sanitary Inspector,was allowed to visit him,which he did daily,and administered to his necessities,but his condition was such,even when Dr.burgess first visited him,that it was impossible to save his life.

I am,Sir,your ~~obedient servant~~,

Consul General.

2 Enclosures: Communication to Governor general referred to.
Copy of letter from Delgado.

Enclosure No.1. With Despatch 314. Habana, January 21,1897

U.S.Consulate General ,Habana,

January 16th,1897.

To His Excellency the Governor and Captain General of the Island of Cuba.

Excellency:

I am informed that Harry J.Delgado, an American citizen at present in the San Ambrosio hospital, is in a very critical condition and is very anxious to be removed to another room, where he may not be disturbed by the lights and noise at night. I am also informed that Dr.D.M.Burgess , the U.S.Sanitary Inspector,, has just visited him and that the hospital surgeons have told him that there is no vacant room there, and were it otherwise there would be no objection in removing Delgado to another room.

In view thereof I have to ask Y.E.whether there is any objection in removing the patient to a room in some other place, where he could avail himself of the medical attendance of those of the hospital as also of that of Dr.Burgess.

This Delgado must not be confounded with pessons of the same name who have been or are now in the insurrection.

He came to this Island as the correspondent of the New York "Mail and Express", was taken sick upon his arrival, did not carry then nor has ever carried arms in his hands, and was obliged to go to a hospital to cure himself, where he was captured and brought to this capital.

I am ready to assume the personal responsibility to see that if Delgado lives, and recovers sufficiently for his case to be tried, that he is sent to the place Y.E.may designate while his case proceeds for trial.

I am induced to make this request beaause this case has caused great interest in the United States, his mother's family being prominent in Brooklyn, New York.

I am, etc. etc.

(Signed) Fitzhugh Lee, Consul Gen.

Enclosure No.7.

With Despatch No.314.

Habana, January 21.1897.
Copy.----------

SAN AMBROSIO HOSPITAL,

January 11.1897.

Dear Gen.Lee:-

I have held on as long as I can. For God sake save me. If some step is not taken soon I will die.

The Doctor does all he can, but the minute his back is turned the attendants run things to suit themselves. My food they bring cold, the milk they drink and fill in with water. The minute they know one has money they levy blackmail indirectly. If it were not for a fellow patient I really dont know what I would have done last night and today. I am very ill in my bowels, and he acts as my attendant. I cant get hold of a regular one once in two hours.

Please make an effort to come and see me. I beg of you to come. You can force it. I am in a bad way.

Please send by bearer the money Mr Green sends for me. If it has not arrived yet send me if you will ten dollars to partially satisfy these wolves.

Remember I am not blaming the Doctor. It is the attention.

I am actually being killed from want of proper attention.

Please excuse pencil.

Respectfully,

(signed) Harry J. Delgado.

----------0----------

315

No. 315.

ASSISTANT SECRETARY
JAN 27 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

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HABANA, January 21,1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Enclosing a letter from Mr.Atkins,owner of the "Soledad" sugar estate.

1 Enclosure.

No. 315.

U. S. CONSULATE GENERAL.

HABANA, Januaru 2[illegible],1897.

Honrable William W.Rockhill,
Assistant Secretary of State,
Washington,D.C.

Sir:

I have the honor to enclose a copy of a letter received grom Mr.E.Atkins,an American citizen owning large estates around Cienfuegos. His statement that while no orders have been issued prohibiting the grinding of sugar cane,yet subordinate officers have been instructed to throw such impediments in the way of grinding as practically to prohibit it,is confirmed by similar statements from mayy others.

I am,Sir ,your obedient servant,

Consul General.

One enclosure: Copy of letter from Mr.Atkins.

Enclosure No.1.

With Despatch No.315.

Habana, January 21.1897.

Yno. SOLEDAD, Cienfuegos,

Jan.17.1897.

Fitzhugh Lee, Esq.,

U.S.Consul General, Habana.

Sir:-

Last night I had a talk with Gen'l.Pin who has been relieved from his command here by Gen'l.Weyler. He told me he had numerous despatches from Weyler ordering him not to prohibit grinding by any notification but to impede it by such means as arresting laborers, clearing off cattle, cutting off supplies by R.R.&c.

We are now at work and it is probable we shall be troubled by such things, so I write you in anticipation and will report by cable direct to you: if these despatches are not allowed to pass, then the Consul here will cable the fact with purport of my message to the Dept. in Washington. Ponvert will follow the same course.

You will remember the statement which Weyler made to us on Weds. last, that he had not prohibited grinding and that the responsibility rested upon Gen'l.Pin who he had now removed. The latter is very indignant, and returns to Spain shortly via Habana.

Very truly yours,

(signed) E.H.Atkins.

No. 316.

ASSISTANT SECRETARY
JAN 27 1897
DEPARTMENT OF STATE

Can. Bad.
Ask with my cable
unto. Tuesday.
File VAR

Acknd Feb. 2/97

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U. S. CONSULATE GENERAL.

HABANA, January 21.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Arrest of Mrs.EVA ADAN de RODRIGUEz at Puerto Principe.

)----------0---------(

Two Enclosures.

)----------0---------(

No. 316.

U. S. CONSULATE GENERAL.

HABANA, January 21.1897.

Honorable William W. Rockhill,
Assistant Secretary of State,
Washington.

Sir:-

With reference to the telegram I had the honor to transmit to you on the 19th.instant,and which was confirmed in my previous despatch No.311 of the same day,relative to the arrest at Puerto Principe of Mrs.EVA ADAN de RODRIGUEZ,who claims American citizenship,I beg to enclose copy-translations of a letter from her sister and a copy of a certificate attached thereto.

I have asked tthe Captain General to inform me of the Charges.

I am,Sir,
Your obedient servant,

Consul General.

Enclosures:-

1.Copy-translation of letter referred to.

2.Copy of certificate attached to said letter.

Enclosure no.1.
With Despatch No. 316
HAVANA, January 20,1897.

TRANSLATION.

Puerto Principe, Jan.14,1897.

To the Consul General of the United States,

Habana.

My dear Sir:

On Sunday, the 10th instant, at 2 p.m., Mr.Ordoñez, agent of police, appeared at my residence number 7 Mayor street, and after a courteous bow, intimated verbally the order of imprisonment given by the Civil governor of this Province against my sister Mrs.Eva Adan de Rodriguez, who stated that she was ready to obey at once, adding only that she had to remark, in order that the Governor be informed of the fact, and not as a threat, but simple as a necessary and indispensable step, that she was an American citizen, as could be proved by the certificate or proper document, which is annexed to this letter.

Mr.Ordoñez answered that there was no necessity of his reading the document referred to, that he would notify the Governor of the same, and that he had to limit himself to comply with the order of conducting her to the jail of the city and deliver her there, to which she obeyed, and it was so done.

Notwithstanding the days that have elapsed, no declaration have been taken from my sister, nor has she been informed of the reason of her arrest in the jail of this city.

Now, Mr.Consul, as there is no representative of the United States here, and as I consider the case serious and urgent, and my sister cannot attend to it in due form, from the jail where she is incarcerated, I have taken the liberty to address you in her name, imploring your immediate aid and protection, because

although I am not an American citizen, she has no other person more closely related to her in this city than myself, and it is very sad for me to contemplate her, being a lady, confined day and night in a place exclusively dedicated to confine men, perverse or criminals, especially when I know possitively, as the said sister lives with me, that she has never committed any crime or offence whatever, not even in the slightest manner.

I hope you will excuse any fault which I may commit in addressing you, due to my inexperience in this imperfect and hasty narrative, which nevertheless I hope will be satisfactorily attended to by you, until obtaining the good results which are to be expected from the worthy representatives in Havana of the Spanish and American nations.

Anticipating thanks, Mr. Consul, for this very important service which I expect to obtain from you through this letter, you may command me at this house, which is yours, Mayor street number 7, etc. etc.

(Signed) Sofia Adan.

Enclosure No.2.

With Despatch No.316.

Habana, January 21.1897.

---

copy.

UNITED STATES of AMERICA

STATE of NEW YORK, City and County OF NEW YORK.

BE IT REMEMBERED,

That on the Seventeenth day of April in the year of Our Lord one thousand eight hundred and seventy eight EVA ADAN appeared in the Court of Common Pleas for the City and County of New York, (the said Court being a Court of Record, having common law jurisdiction, and a clerk and seal), and, applied to the said Court to be admitted to become a Citizen of the United States of America, pursuant to the directions of the several Acts of Congress of the United States of America. And the said applicant having thereupon produced to the Court such proof, and having made such declaration and renunciation, and having taken such oaths as are by the said Acts required, IT was ordered by the said Court, that said applivant be admitted to become a

CITIZEN of the UNITED STATES of AMERICA.

And she was thereupon admitted accordingly.

In testimony whereof the Seal of the said Court is hereto affixed this 17th. day of April 1878 , in the one hundred and second year of the Independence of the United States.

(signed) Nathan Jarvis, Jr.

Clerk.

Deciphered by E.L.W.

Con

Consul Barker

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Cipher

Miscellaneous

TELEGRAM RECEIVED.

ASSISTANT SECRETARY
JAN 23 1897
DEPARTMENT OF STATE.

From Havana

January 22, 1897.

Received ____ M.

Cmfd Jan. 24/97

Assistant Secretary of State
Washington.

Authorities will not order prohibition of grinding but reach the same result by other means. Cuban laborers are still required to get daily passes from Cienfuegos some distance off. Poupert representing Hormiguero Central Co. workmen have been dispersed by sword Spanish officer commanding. Both sides burning and destroying everything. Military campaign amounts to nothing on either side. Have not succeeded in getting any reply from Captain or Acting Captain General in reference to the charges against the 4 persons named in your despatch of fifteenth. Shall I demand their release.

Lee

No. 317

Secretary of State.
FEB 6 1897

COPIED. FOREIGN RELATIONS.

Acknd Feb. 12/97

U. S. CONSULATE GENERAL.

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HABANA, January 22,1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to JULIO SANGUILY.

2 Enclosures.

No. 317.

U. S. CONSULATE GENERAL.

HABANA, January 22,1897.

Honorable Richard Olney,

Secretary of State,

Washington,D.C.

Sir:

I have the honor to enclose herewith two papers signed by Julio Sanguily,one in Spanish and the other in English. I would suggest that the papers enclosed be not used until I telegraph to that effect. I am induced to recommend this course, because I have received private information that it is probable that Sanguily may,after reaching the United States,leave there with some expedition for the purpose of joining the insurrection. Of course he takes his life in his own hands,should he decide to return to Cuba,and will not ask or expect the assistance of the United States Government,if he is captured.

As Sanguily would not be acting in good faith,either towards the United States or Spain,I would prefer to inquire further in this matter and satisfy myself that he intends conscientiously to carry out the pledge he has signed.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

2 Enclosures Papers referred to.

Enclosure with despatch 317

I, JULIO SANGUILY, an American citizen confined at the Cabaña fortress, Havana, do hereby sacredly affirm to the United States and to Spain that if I am released by pardon of the latter Government, I will leave and remain away from Cuba, and will not aid directly or indirectly the present insurrection against the Government of Spain, and I hereby promise that should I do so at any time I will not claim the protection of the United States Government. I certify that this pledge is given of my own free will and without compulsion on the part of any one.

Fortress Cabaña, Havana, January 21, 1897.

Julio Sanguily

Witness:
Ernesto L. Lopez
Donnell Rockwell

No. 318

No 318.

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U. S. CONSULATE GENERAL.

HABANA, January 23.1897.

23

Mr. LEE

TO THE

DEPARTMENT of STATE.

Wreck of the American Str."ELSA".

o----------o----------o

Three enclosures.

o----------o----------o

No. 318.

U. S. CONSULATE GENERAL.

HABANA, January 23.1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

I enclose herewith for transmission to the Treasury Department, the one-half of the cancelled Register of the American steam propeller "ELSA" of Sandusky, Ohio, William L. Challoner, Master; also copy of a communication received from the Captain of this port, dated 18th. instant, relative to the wreck of the said steamer.

The vessel was wrecked on the 9th. instant on the Colorado reefs, and became a total loss.

The Naval Commanding officer of the District of Mantua made a contract with the ~~owner~~ Master of the Spanish steamer "GUANAGUANICO" to bring the Master and crew, nine persons in all, from Mantua to Habana for $54.10 Spanish gold. The steamer arrived here on the 17th. instant with the crew. Two boats and a compass were the only effects saved from the wreck. The two boats were sold at Mantua for $40.00. The compass and wreck will be sold at public auction.

Relief and transportation were afforded the crew as follows:- Wm. L. Challoner, Master: John S. Williams, Fireman: George Lankin, Fireman: James Smith, Fireman: R.B. Buswell, Seaman: W.E. Husted, Seaman -- sent to New ~~Orleans~~ York per American steamer "~~ARKANSAS~~ Seguranca", January 21st. and D.S. Cleveland, Mate: Thomas Colford, Engineer: Neils Halvoren, Cook -- sent to New ~~York~~ Orleans the same day.

I also enclose a copy of the sworn statement of Wm. L. Challoner, Master of said vessel.

Your obedient servant,

No.

U. S. CONSULATE GENERAL.

HABANA,

The accounts and vouchers will appear in my account for the quarter ending March 31.1897.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosures:-

1.One-half Register American Str."ELSA".

2.Captain of the Port of Habana to Mr.Lee,Jan.18.1897.

3.Statement of William L.Challoner,Master.

No. 319.

ASSISTANT SECRETARY
JAN. 27 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

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HABANA, January 23,1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to Mr.ATKINS ,owner of the "Soledad" plantation.

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Two Enclosures.

----------0---------

No. 319.

U. S. CONSULATE GENERAL.

HABANA, January 23.1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

Confirming my cable despatch of the 22nd.instant,I have the honor to enclose a copy of a despatch from Mr.Atkins, the owner of the "SOLEDAD" estate as well as a letter from Mr.Ponvert,representing the Hormiguero Central Company.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosures:-

1.Telegram Mr.Atkins to Mr.Lee,Jan.21.1897.

2.Mr.Ponvert to Mr.Lee,Jan.19.1897.

Enclosure No.1.

With Despatch No.319.

Habana, January, 23.1897.

---

copy.

TELEGRAM.

Cienfuegos, Jan.21.1897.

Fitzhugh Lee,

American Consulate,

Habana.

Two hundred laborers ordered to town yesterday to obtain permit good one day only. Grinding interrupted by such means. Suggest Olney press claim Madrid.

(signed) Atkins.

----------0---------

Enclosure No.2.

With Despatch No.319,

Habana, January 23.1897.

copy.

Hormiguero Central Co.

Hormiguero, 19th. Jan. 1897.

To the Honorable General,

Mr. Fitzhugh Lee,

Consul General of the United States, Habana.

Sir:-

I beg to acknowledge the receipt of your communication of the 15th.inst., enclosing copy of letter received from the Captain General Weyler and purposing to be an answer to my communication of the 7th.inst.. Said letter is not an answer to my communication. It refers merely to the matter of the coal. No reference is made to the main point, or say to my request that he should give orders that no obstacles be put by the Spanish authorities to my continuing grinding on the Hormiguero.

Whilst I was absent from here, when I had the pleasure of calling on you, and on the 8th.inst., the Teniente Coronel Vasquez with his column, sword in hand, stopped all field work, dispersing the workmen and menacing them if they returned to work. He then sent detachments of his cavalry to all our other cane fields, where the cutting of cane was in progress and proceeded in the same manner to stop the work. He also gave instructions to the Commander of the Government troops here at the works to order the stopping of the mills at 12 o'clock that night. All work was stopped, causing thereby an immense loss to the Company I represent.

On my return here with the permit of the Captain General Weyler, conceeded to me in Habana through yourself for the grinding of burnt canes, I proceeded at once to start the works, but fearing further molestation from the Spanish authorities;

I sent you the telegram, urging the importance of obtaining an answer to my letter of the 7th. inst.

As you will readily understand, the answer received is not satisfactory and I expect you will so signify it to the Captain General Weyler, trusting that through your good offices you will obtain a satisfactory result.

I remain,

Honorable Sir,

Your obedient servant,

(signed) Elias Ponvert.

Adn Gen'l.

Hormiguero C.Co.

----------o----------

CRANE'S

No. 320.

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ASSISTANT SECRETARY FEB 1 1897 DEPARTMENT OF STATE

U. S. CONSULATE GENERAL.

HABANA, January 23,1897.

23

Mr. LEE

TO THE

DEPARTMENT of STATE.

Death and burial of HARRY J.DELGADO at the San Ambrosio hospital.

No. 320.

U. S. CONSULATE GENERAL.

HABANA, January 23,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to report that HARRY J.DELGADO,died at the San Ambrosio hospital in this city on the night of the 19 and was buried in the general cemetery here on the 21st,in compliance with the request of his relatives.

I am,Sir,your obedient servant,

Fitzhugh Lee.

Consul General.

No. 321.

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U. S. CONSULATE GENERAL.

HABANA, January 23,1897.

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ASSISTANT SECRETARY FEB 1 1897 DEPARTMENT OF STATE

Mr. LEE

TO THE

DEPARTMENT of STATE.

File

Relative to Mrs.EVA ADAN DE RODRIGUEZ,arrested at Puerto principe.

1 Enclosure.

No. 321.

U. S. CONSULATE GENERAL.

HABANA, January 23,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to my despatch number 316 of the 21st instant relative to the arrest of Mrs.Eva Adan de Rodriguez at Puerto principe,I beg to enclose a copy-translation of a communication received to-day from the Acting Captain General.

I am, Sir, your obedient servant,

Consul General.

1 Enclosure: Copy referred to.

Enclosure No.1.

With Despatch No. 321.

H A V A N A , January 23,1897.

TRANSLATION.

GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

In answer to your note of yesterday's date relative to the arrest at Puerto principe of the resident of that town,Eva Adan deRodriguez, an American citizen, I have the honor to state that information has been asked by this Government to the Governor of that province in regard to the causes of the arrest and ordering that she be released, without prejudice of dictating in due season,the resolution which may be deemed proper in regard to her,of which I will duly inform you.

God guard you many years. Habana,22 Jan.,1897.

(Signed) El Marques de Ahumada.

To the Consul General of the United States.

No. 322.

U. S. CONSULATE GENERAL.

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RECD.
FEB 1 1897
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HABANA, January 26.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Acknowledging receipt of instructions....

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No. 322.

U. S. CONSULATE GENERAL.

HABANA, January 26.1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of the Department's instructions numbered from 210 to 217 inclusive.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Cy. 323

No. 323.

Copied for compiled Feb 1/97

Copies for Cong.

ASSISTANT SECRETARY
FEB 1 1897
DEPARTMENT OF STATE.

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U. S. CONSULATE GENERAL.

HABANA, January 26, 1897.

Secretary of State.
FEB 2 1897

Mr. Secretary
You may write the
file WR
ack'd
Feb. 3/97

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to the death of Segundo Narciso Lopez by Spanish troops.

1 Enclosure.

No. 323.

U. S. CONSULATE GENERAL.

HABANA, January 26th,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to my despatch number 112 of the 4th September,1896,relative to the death of Segundo Narciso Lopez by Spanish troops,and enclosing a copy-translation of a communication dated the 2nd of said month from the Captain General,stating that an investigation of the case had been ordered and that the result of same would be communicated to me in due season,I now beg to transmit herewith a copy-translation of a note I have received to-day from the Secretary of the General Government in answer to one fromme asking for a definite report of the result of the investigation . You will please observe that the Secretary says that no definite answer can yet be given with regard to the matter.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: Note referred to.

Enclosure no.1

With Despatch No.323.

H A B A N A , January 26,1897.

COPY-TRANSLATION.

THE SECRETARY of the GENERAL GOVERNMENT of the ISLAND of CUBA salutes the CONSUL GENERAL of the UNITED STATES and has the honor to inform him in answer to his courteous note of yesterday, that according to reports from the Captaincy General the proceedings relative to the American citizen Mr.Lopez are still being carried on, therefore no definite response can be given regarding the matter.

The Marquis of Palmerola avails himself of the occasion to reiterate to Mr.Fitzhugh Lee the assurance of his esteem and consideration.

Habana, 26 January, 1897.

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ASSISTANT SECRETARY
JAN 28 1897
DEPARTMENT OF STATE.

Havana, January 27. 1897.

Confirm with my cable of yesterday

File

confirmed
Feb. 4/97

No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
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OFFICES IN AMERICA:

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GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
402	Rcos	18	US Govt	Havana

RECEIVED at Washington D.C. Jany 27th 189

Jan 27 assistant secretary
State Washn
Eva Adan Rodriguez released
reported despatch 3210 mailed
today
Lee Consul General

324

No. 324.

U. S. CONSULATE GENERAL.

HABANA, January 27th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

File

Acknowledging receipt of and confirming telegrams.

No. 324.

U. S. CONSULATE GENERAL.

HABANA, January 27th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

I beg to acknowledge the receipt of the following telegrams:

(1) "Lee, Consul General. (Jan. 20.)

"Where are William Levitt and Charles Barnett of Com-
"petitor, now confined, cable status of their cases and
"treatment, no reference are being made to them in any of
"your despatches, since November 12th.

Rockhill".

(2) "Lee, Consul General. (Jan. 21)
"Habana.

"Have yours 9th. Infer Stillman is working for paci-
"fication on Autonomy basis, if so he should come here for
"necessary information at once. Answer whether he will
"come and when.

"Olney".

(3) "Lee, Consul General, (Jan. 21)
"Habana.

"Let Julio Sanguily send my by next mail written
"pledge to United States and to Spain, that if released by
"pardon, he will leave and remain away from Cuba, will not
"aid the insurrection directly or indirectly, or if he does
"will not claim United States protection, on that pledge,

U. S. CONSULATE GENERAL.

HABANA,

"freely given in good faith,hope,not sure,release may be ef-
"fected.

Olney".

I have the honor to confirm the following telegrams:

(1) "Assistant Secretary of State, (Jan.20)

"Washington,D.C.

"See Williams' despatch 2988,May 21,1896,Levitt and
"Barnett are confined with other Competitor prisoners in
"Cabañas. Are treated like other Competitor prisoners.

Lee".

(2) (Jan.20)

"Assistant Secretary of State,

"Washington,D.C.

"Atkins'workmen required to report Cienfuegos daily
"for passes. This prevents grinding,without giving orders
"to that effect.

Lee".

(3) "Assistant Secretary of State, (Jan.22)

"Washington,D.C.

"Authorities will not order prohibition grinding,but
"reach the same result by other means. Atkins laborers are
"still required to get daily passes from Cienfuegos,some
"distance off. Ponvert,representing Hormiguero Central Co.
"workmen been dispersed by sword spanish officer command.
"Both sides burning and destroying everything,military
"campaign amounts to nothing on either side,have not suc-
"ceeded in getting any reply from Acting Captain General

U. S. CONSULATE GENERAL.

HABANA,

"in reference to the charges against four persons named in "despatch of 15th. Shall I demand their release?

Lee".

(4) "Secretary of State (Jan.23)

"Washington,D.C.

Tillman Ar "Arrived here Sunday night. Cannot leave before Wed-"nesday.

Lee".

I am, Sir, Your obedient servant,

Fitzhugh Lee

Consul General.

No. 325.

DIPLOMATIC BUREAU. FEB 3 1897

U. S. CONSULATE GENERAL.

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ASSISTANT SECRETARY FEB 2 1897 DEPARTMENT OF STATE

HABANA, January 27th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to a collision between the American steamer "Yucatan" and a coal barge.

No. 325.

U. S. CONSULATE GENERAL.

HABANA, January 27th, 1897.

Honorable William W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

On the 14th September, at midnight, the Ward line steamer "Yucatan" came into collision in this harbor with a coal barge, and sunk the latter. The pilot was on board of the steamer at the time. The damage to the property has been paid. It is now proposed to arrest the captain of the steamer as soon as he arrives, unless he provides $2000 bail, to which bail the agents here of the line, Messrs. Hidalgo and Company, object, as they do not see any reason for criminal prosecution of the captain of the "Yucatan", the moreso as no life has been lost in the accident.

As I am further informed that the claimants have been fully satisfied by giving relief, I respectfully suggest to the Department that a representation be made to the Spanish Government, to the effect that all proceedings against the captain referred to be stopped, in view of the circumstances of the case.

I am, ~~Sir, your~~ obedient servant,

Fitzhugh Lee

Consul General.

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No. 326.

ASSISTANT SECRETARY
FEB 2 1897
DEPARTMENT OF STATE

U. S. CONSULATE GENERAL.

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REC'D.
FEB 2 1897
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HABANA, January 27th, 1897.

File

Mr. LEE

TO THE

DEPARTMENT of STATE.

Release of Mrs. Eva Adan de Rodriguez at Puerto Principe.

File

No. 326.

U. S. CONSULATE GENERAL.

HABANA, January 27th, 1897.

Honorable William W. Rockhill,

Assistant secretary of State,

Washington, D.C.

Sir:

In reply to your instruction number 224 of the 21 instant, and to your telegram reading:

"Lee, Consul General, Habana.

"Is husband of Eva Adan Rodriguez, a citizen of the "United States and an insurgent, where herself and husband "lived since 1878, if in Cuba how continuously has she? "If not why not? Has she pecuniary means? Cable all facts "as soon as practicable.

"Rockhill".

I beg to confirm my telegram of to-day as follows:

"Assistant Secretary of State, Washington.

"Eva Adan Rodriguez released. Reported despatch 321 "mailed to-day.

Lee".

I am, Sir, your obedient servant,

Consul General.

COPIED. FOREIGN RELATIONS.

TELEGRAM RECEIVED. in Cipher.

INDEX BUREAU RECD. JAN 29 1897 DEPT. OF STATE

Secretary of State FEB 2 1897

From Havana

January 28, 1897.

Received 9 15 P. M.

Secretary of State

Washington.

Danguily signed personal pledge to me that he will faithfully observe terms already mailed.

Recommend case be considered on said terms.

Lee.

Deciphered by Carr.

No. 327.

ASSISTANT SECRETARY
FEB 2 1897
DEPARTMENT OF STATE.

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U. S. CONSULATE GENERAL.

HABANA, January 28th, 1897.

File

Mr. LEE

TO THE

DEPARTMENT of STATE.

Answering instruction number 228 of the 22nd January, 1897.

File

No. 327.

U. S. CONSULATE GENERAL.

HABANA, January 28th,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to your instruction number 226 of the 22nd instant asking for a copy of my despatch number 13 of June last, I have the honor to state that the said despatch was confidential,and addressed to the Honrable Secretary of State; consequently,it does not appear in the general record of despatches of this office,but,undoubtedly,it can be found at the office of the Honorable Secretary of State.

I am,Sir, your obedient servant,

Fitzhugh Lee

Consul General.

328

No. 328.

Secretary of State.
FEB 3 1897

ASSISTANT SECRETARY
FEB 2 1897
DEPARTMENT OF STATE.

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U. S. CONSULATE GENERAL.

HABANA, Jamuary 28th, 1897.

Com'l
Unclassified instructions
File

Mr. LEE

TO THE

DEPARTMENT of STATE.

Transmitting a copy of a letter received from Mr.E.F.Atkins.

Ack

1 Enclosure.

1

No. 328.

U. S. CONSULATE GENERAL.

HABANA, January 28th, 1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to transmit herewith a copy of a letter dated the 26th instant, received from Mr.Edwin F.Atkins, owner of the estate "Soledad", near Cienfuegos. This copy is submitted to the Department as an additional evidence of the methods put in practice here to prevent grinding, although no prohibitory order has been issued in regard to same.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: Copy referred to.

Enclosure No. 1

With Despatch No. 328

Habana, January 28, 1897.

Copy.

SOLEDAD ESTATE,

Cienfuegos, Jan. 26. 1897.

Hon. Fitzhugh Lee,

U.S. Consul General, Habana.

Sir:-

Yesterday, Sunday, we rec'd. notice for chief engineer with his first and second assistant, one of the mechanics and our commander of private guard to go to town at once to testify in matter charged against us of some one unknown, before military court. Three of the above were Americans, one a Cuban and the last a Spaniard.

I took the men in at once as the place was not running, being Sunday, and by telephone sent my lawyer to the Judge at 12 noon previous to our arrival. We reached the Judge's house at 2:10. He had not been in after my lawyer called. The time mentioned by him for the men to appear was 12 and 2 o'clock. His soldiers did not know when he would return, and would not send for him, so we waited at the hotel nearby. About 3:15 he sent for us saying he had got back and we called again and were told he had not returned nor did they know where he was. So I took the men back to their posts after after waiting until 3:45 P.M.

We had no sooner reached the estate when we were ordered to appear early the next day. I then sent a cable to you adding the words "apparent object to prevent grinding" for benefit of the authority here. The attention of the Gen'l. (Prats) was called to them and he ordered the words taken out of the despatch, adding in a message to me that I need not come to town again, but he would come up to see me; which he did this morning.

Last night another of our colonias was stopped but I at once ordered the men into another section and had the factory running full at the hour when he arrived.

He said a serious charge had been brought against us which must be investigated, but that he would sent the Coln, of high standing to take evidence on the place instead of taking the men to town, but it would require five or six days, and that meanwhile he hoped I would stop work, although he would not order me to do so. He finally got down to three, and I hope to get off with one.

It appears that just before we began grinding the Coln. of Guerillas dined here and told my people that while they could not order the estates to stop, they could make them do so by ordering men to town to get passes and if that was not effective they could order all the engineers to town to answer to some charge. I will obtain a sworn statement of this and forward in due course.

Yours truly,

(signed) Edwin F. Atkins.

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TELEGRAM RECEIVED (partly in cipher)

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REC'D.
JAN 31 1897
10 AM
DEPT. OF STATE

From Havana

January 30, 1897.

Received M.

Assistant Secretary State
Washington

encl. to Feb. 2/97

Spanish naval officer Ramon Pardo y Pinzo assigned counsel "Competitor" prisoners. Is now on gunboat Cuba Espanola at Manzanillo. Shall I approach him? Do not anticipate anything but continued confinement.

Lee

[Deciphered by Rochester]

V. 329

No. 329.

Copied for the Senate

ASSISTANT SECRETARY
Secretary of State.
FEB 6 1897
DEPARTMENT OF STATE.

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REC'D.
FEB 6 1897
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U. S. CONSULATE GENERAL.

HABANA, January 30, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

To Spain March 20

Visit to the American citizen : LOUIS SOMEILLAN, LORENZO VIVES POUS, and GASPAR A. BETANCOURT at the jail of this city.

No. 329.

U. S. CONSULATE GENERAL.

HABANA, January 30th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

I have the honor to report that yesterday I visited the jail in this city, and found there, and conversed with, five American citizens, namely: 1st. LOUIS SOMEILLAN, under sentence of life imprisonment, with chains, but from which sentence, an appeal has been taken. 2nd. LORENZO VIVES POUS, who is imprisoned, also, at said jail, and which case has been the subject of my despatches Nos. 225 and 235, to the Department. 3rd. Dr. GASPAR A. BETANCOURT, who has now been in confinement about thirty three days. As reported this gentleman was kept in solitary confinement or incomunicado, as is called, for 288 hours, when first imprisoned, contrary to the Treaty between Spain and the United States, which prescribes 72 hours as the limit. I have duly made protests in this case, as in that of others, but no attention has been paid to such protests by the authorities here. This is one of the persons referred to in your telegram of the 15th instant, in which you direct me to insist that the charges against them be made known, or their release be demanded. In compliance therewith I addressed at once a communication to the Governor and Captain General, to which no reply has yet been received, notwithstanding my having again called the attention of the Acting Captain General to said communication. On the 22nd instant I telegraphed to the Department reporting that no reply to my communication asking for said charges had been received, and asking if I should proceed in demanding their release. I have obtained no answer from the Department to date.

No.

U. S. CONSULATE GENERAL.

HABANA,

In addition to the three prisoners named, there are two negro men, born in Key West, who were arrested here, and to be sent to the Chafarinas. At my request they were released with the condition of leaving for the United States, but they are still in jail because they have no money to pay their passage to the United States.

I am, Sir, your obedient servant.

Fitzhugh Lee

Consul General.

330

No. 330.

ASSISTANT SECRETARY
FEB 6 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

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HABANA, January 30, 1897.

Mr. LEE

TO THE

Sent March 19/97

DEPARTMENT of STATE.

Relative to the case of LORENZO VIVES POUS.

1 Enclosure.

No. 330.

U. S. CONSULATE GENERAL.

HABANA, January 30,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to my despatch number 235 of the 28th November last,relative to the case of LORENZO VIVES POUS ,under arrest in the jail of this city,I beg to transmit herewith a copy-translation of a communication received from the General Government reporting the transfer of his case to the civil court in compliance with my request.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: Copy referred to.

Enclosure No.1.

With Despatch No.330.

H A B A N A , January 30,1897.

Translation.

GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

OFFICE OF THE SECRETARY.

By order of the Governor General I have the honor to inform you that the Captain General reports to this office that yesterday the proceedings initiated against the American citizen LORENZO VIVES POUS have been referred to the Court of instruction of Guadalupe (a district of this city); the war jurisdiction having inhibited the cognizance of the case in favor of the ordinary jurisdiction.

God etc. Habana,29 January,1897.

(Signed) El Marques de Palmerola.

To the Consul General of the United States.

No. 331.

U. S. CONSULATE GENERAL.

HABANA, January 30, 1897.

Jackson
Justr. acct
Feb. 9/97

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Mr. LEE

TO THE

DEPARTMENT of STATE.

Asking for a duplicate of instruction 57 of 14 August, '96.

No. 331.

U. S. CONSULATE GENERAL.

HABANA, January 30,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

I cannot find in this office a copy of your instruction number 57 of the 14th August last,or of the letter accompanying same,dated at New York August 12th. I respectfully request that you direct duplicate copies of these two documents to be sent to me as soon as possible.

My reply to your instruction (No 108) of 30th September,1896,was numbered 108 of the 2nd of same month,and refers to said communications.

I am,Sir,your obedient servant,

Consul General.

332 Confidential

ASSISTANT SECRETARY
FEB 10 1897
DEPARTMENT OF STATE.

No. 332.

U. S. CONSULATE GENERAL.

HABANA, February 3,1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to Chinese passports.

1 Enclosure.

No. 332.

U. S. CONSULATE GENERAL.

HABANA, February 3.1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

On the 14th.of August,1896,a communication was addressed ~~by you~~ to me,enclosing a letter dated August 12th.from the United States Chinese Inspector at New York,in which he called the attention of the Department of State to matters relative to the shipment of Chinese from this port,and in which he intimated that some person in this office was guilty of frauds in connection therewith. Your instruction and the accompanying letter were given to Vice and Deputy Consul General Springer,who has had sole charge of that business,since I have been Consul General. Mr.Springer is now absent and I cannot find in his desk or elsewhere copies of either of those two communications.

On the 2nd.September,1896,I addressed you my despatch No. 108,enclosing a letter from Vice and Deputy Consul General Springer to me on the subject mentioned in your said instruction of the 14th.August,1896; and on the 31st.October I addressed you another despatch in answer to your instruction No.122 of the 9th.of same month,in which you enclose a copy of a communication addressed to the Honorable Secretary of the Treasury by Mr.Scharf,Chinese Inspector,relative to the alleged irregularities in connection therewith.

My letters were drafted by Vice and Deputy Consul General Springer,as he had special charge of the subject and was supposed to possess greater information about it. Since that

time I have been giving more or less thought to the subject and from certain occurences have been led to believe that in all probability there have been irregularities in dealing with that question from this office.

I am informed that Mr.Williams,my predecessor,discovered something of the sort during his occupancy of this office,and effectually stopped it. There seems to have been a concerted plan to pass Chinese into the United States as merchants,who are in reality laborers.

The procedure is as follows: Two or three Chinese runners or spokesmen are sent among the Chinese residents of this city who picture in extravagant terms the beneficial financial results to be reached by their being located in New York or in other ports of the United States. Each Chinaman is induced to subscribe a sum of money in order to accomplish the purpose, which sum is divided in certain proportions between the said runners and other persons.

The Chinese Consul issues passports stating that the said laborers are merchants,these passports are visaed at this Consulate General,and ~~means~~ is a practical approval of them,because the U.S.custom houses do not accept the entrance of the Chinese bearer of the passport,without said evidence.

The plain English of this is that Chinese enter and remain in the United States who are prohibited from so doing by law.

An examination of the books in which these transactions are kept reveals some curious facts: for the year 1895 Consul General Williams visaed passports of 490 Chinamen; 325 being

No. 3.

U. S. CONSULATE GENERAL.

HABANA,

---

traders,76 merchants,47 laborers,18 unclassified,15 students,4 doctors and 5 consular officials. Later,namely: from January 16 to June 3rd,1896,a period of 4 months and 17 days,Mr.Williams only visaed the passports of 37; 7 being merchants ,28 laborers 1 clerk and 1 unclassified; but from June 9th,1896,to and including December 31st,1896,a period of 6 months and 22 days , the passports visaed at this office,almost all of which were signed by Mr.Springer,as Vice and Deputy Consul General,amounted to 992 ,ofiwhich the large sum of 799 were set down as merchants,and only 58 as laborers,7 as traders,21 unclassified, 64 students,1 doctor,2 consular officials,26 clerks and 14 actors. I enclose you herewith a tabulated statement.

I have the honor to request that the Department will order an investigation of the subject.

I presume the Chinese inspector of New York could give pertinent evidence,and also,much evidence may be obtained here, I suppose the Department has its own methods,through private detectives or otherwise,of secretly procuring information on fraudulent transactions.

I am,Sir,your obedient servant,

Consul General.

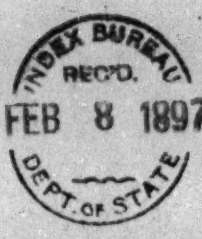
1 Enclosure: Statement referred to.

	Tailors	Merchants	Laborers	Unclassified	Students	Doctors	Consular Officials	Clerks	Actors	Total visaed
Year ending Dec. 31" 1895 #1 to + incldg. 490 Mr Williams	325	76	47	18	15	4	5			490
Period Jan. 16/96 to + incldg. June 3/96. 4 mos. 17 days: #1 to 37 incl. Mr Williams		7	28	1				1		37
Period June 9/96 to + incldg. Dec. 31/96 6 mos. 22 days. Mr Lee	7	799	58	21	64	1	2	26	14	992
	332	882	133	40	79	5	7	27	14	1519

333

No. 333.

U. S. CONSULATE GENERAL.



HABANA, February 3rd, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Answering instruction number 225 of the 21st January.

Dear Adee

ASSISTANT SECRETARY
MAR 12 1897
DEPARTMENT OF STATE

An appeal has been
sent by Smartha
Ca will do anything
I promise to advance
the final settlement of
this long pending case

W. R

No. 333.

U. S. CONSULATE GENERAL.

HABANA, February 3rd,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to your instruction number 225 of the 21st ultimo and to my despatches Nos.298 and 303,of the 14th and 15 of same month,relative to the trial and sentence of the American citizen LOUIS SOMEILLAN,I have the honor to transmit herewith four numbers of the LUCHA of this city,corresponding to the 9th,11th,12th and 15th instant containing the proceedings of the trial and sentence of Someillan.

I am,Sir,your obedient servant,

Consul General.

Enclosing newspapers referred to.

LA LUCHA

LOS TRIBUNALES

Jan. 9 1897

El proceso Someillán

La vista.—Primera sesión de los debates.—El cónsul Lee.—Castroverde presentado.—La prueba.—Cargos.—Los testigos.

Formaban la Sala el señor don Federico Enjuto, Presidente de la de lo Criminal, y los Magistrados señores don Ricardo Maya, don Juan Valdés Pagés, don Francisco Noval y Martí y don José Novo y García, este último suplente.

Fiscal: el de S. M. don Joaquín Vidal y Gómez.

Defensor: el Lcdo. don Antonio Mesa y Domínguez, con el Procurador don Nicolás Sterling y Varona.

Secretario: el Lcdo. don José Lorenzo Odeardo.

Al señor Odeardo le acompañaba el Oficial de Sala, señor Valdés Faulí.

Magistrados, abogados fiscales y letrados en los sillones de la Sala.

También asistió á la vista, el Juez instructor del proceso, señor don Cárlos Eugenio Ortiz y Coffigny.

Un público numeroso invadía el local.

En la puerta de la Sala de capas, vimos al Cónsul de los Estados Unidos, general Lee, á quien servía de intérprete Mr. Bryson, corresponsal del *Journal*.

El procesado, don Luis Someillán y Azpeitia, entró en el local. Venía con las manos esposadas, y conducido por dos escoltas de la Cárcel Pública, donde guarda prisión.

La prueba documental

Abierta la sesión por el Presidente, señor Enjuto, el Secretario, señor Odoardo, leyó las conclusiones provisionales y la prueba documental que ya conocen nuestros lectores.

En ella aparece que se ha presentado á las Autoridades, el cabecilla Salvador de Castroverde, que firma las instrucciones fechadas en 16 de Junio, y no en 16 de Julio, como equivocadamente apareció en la copia que publicamos ayer.

Castroverde, acogido á indulto, se encuentra hoy en New-York.

Habla Someillán

Se puso de pié el procesado para la prueba de confesión.

Someillán es un hombre de 56 años, más bajo que alto, grueso, trigueño, todo afeitado, con aspecto de sacerdote.

Vestía de negro, y parecía estar sereno y tranquilo.

Contestó con desembarazo á las preguntas del señor Fiscal.

Dijo ser viudo, con dos hijos, Luis y Josefina, y de profesión comerciante comisionista.

Ha estado procesado otra vez, por rebelión; en unión de su hijo don Luis Someillán Vida! y de don Márcos Rodriguez Molina, en cuya causa se

Estando Someillán

Se pasó de pié al procesado para la prueba de confesión.

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Ha estado procesado otra vez, por rebelión; en unión de su hijo don Luis Someillán Vida; y de don Márcos Rodriguez Molina, en cuya causa se dictó auto de sobreseimiento provisional.

El Fiscal le hizo, entre otras, las preguntas siguientes:

Fiscal.—¿Tenía usted muchas relaciones mercantiles con Cayo Hueso?

Someillán.—Sí, señor; con los señores E. H. Gato, José Toledo, hermanos Calderon, Cayetano Soria y otras personas.

Fiscal.—¿Y con New York?

Someillán.—También.

Fiscal.—Y cuando esos señores le dirigían algún pedido, ¿lo hacían directamente á usted por el cable, ó por carta, de New York ó de Cayo Hueso?

Someillán.—Por telégrafo y por carta se me daban órdenes de embarcar tabacos, frutas, víveres, etc. Si el pedido no apuraba, por carta. Si era urgente, por telégrafo.

Fiscal.—¿Ha dicho usted en el sumario que devolvió usted algunos telegramas?

Someillán.—Sí, señor; algunos

[illegible] cuentas [illegible] que [illegible] la correspondencia con [illegible] guna.

D. José [illegible]

De Avilés, [illegible] de [illegible] poco de vista á Someillán.

Fiscal.—[illegible] Vd. el [illegible]

Suárez.—[illegible] hasta [illegible] decía que él era [illegible] no [illegible] que veía subir á su [illegible] muy sospechosa.

Defensa.—¿Y no [illegible] chas gente á la [illegible] gesa?

Suárez.—Sí, [illegible] trasatlántico con dicho [illegible] capa.

Presidente.—No [illegible] qué personas hablaban [illegible] Someillán?

Suárez.—No, señor. [illegible] café.

Presidente.—¿De [illegible] enteró por conversaciones [illegible]

Suárez.—Sí, señor.

Miguel Pon[illegible]

De 44 años, natural [illegible] vecindad de Obispo 23.

Hace ocho años que [illegible] meillán y no sabe nada [illegible]

En política, cree que [illegible] al Gobierno español.

Ignacio A[illegible]

De la Coruña, de 54 [illegible] Obispo 47.

Fiscal.—¿En qué [illegible] á Someillán?

Magistrados, abogados fiscales y letrados en los sillones de la Sala.

También asistió á la vista el juez instructor del proceso, señor don Carlos Eugenio Ortiz y Cotilgay.

Un público numeroso invadía el local.

En la puerta de la Sala de capas, vimos al Cónsul de los Estados Unidos, general Lee, á quien servía de intérprete Mr. Bryson, corresponsal del *Journal*.

El procesado, don Luis Somellán y Arpeitia, entró en el local. Venía con las manos esposadas, y conducido por dos escoltas de la Cárcel Pública, con de guarda prisión.

La prueba documental

Abierta la sesión por el Presidente, señor Fajuto, el Secretario, señor Odoardo, leyó las conclusiones provisionales y la prueba documental que ya conocen nuestros lectores.

En ella aparece que se ha presentado á las Autoridades el cabecilla Salvador de Castroverde, que firma las instrucciones fechadas en 16 de Junio, y no en 16 de Julio, como equivocadamente apareció en la copia que publicamos ayer.

Castroverde, acogido á indulto, se encuentra hoy en New-York.

Habla Somellán

Se puso de pié el procesado para la prueba de confesión.

Somellán es un hombre de 56 años, más bajo que alto, grueso, trigueño, todo afeitado, con aspecto de marinero.

Vestía de negro, y parecía estar sereno y tranquilo.

Contestó con desembarazo á las preguntas del señor Fiscal.

Dijo ser viudo, con dos hijos, Luis y Josefina, y de profesión comerciante comisionista.

Ha estado procesado otra vez, por rebelión; en unión de su hijo don Luis Somellán Vidal y de don Márcos Rodriguez Molina, en cuya causa se dictó auto de sobreseimiento provisional.

El Fiscal le hizo, entre otras, las preguntas siguientes:

Fiscal.—¿Tenía usted muchas relaciones mercantiles con Cayo Hueso?

Somellán.—Sí, señor; con los señores E. H. Cato, José Toledo, hermanos Cardero, Cayetano Soria y otras personas.

Fiscal.—¿Y con New York?

Somellán.—También.

Fiscal.—Y cuando esos señores le dirigían algún pedido, ¿le hacían directamente á usted por el cable, ó por carta, de New York ó de Cayo Hueso?

Somellán.—Por telégrafo y por carta se me daban órdenes de embarcar tabaco, frutas, víveres, etc. Si el pedido no aparecía por carta. Si era urgente, por telégrafo.

Fiscal.—¿Ha dicho usted en el sumario que devolvió usted algunos telegramas?

Somellán.—Sí, señor, algunos que no eran para mí, sino para don Somellán.

Fiscal.—¿El día 20 de junio no estuvo usted en su escritorio?

Somellán.—No, señor. Desde el sábado 17 me enfermé, guardé cama, y no volví al escritorio hasta el día primero de julio.

Fiscal.—Oyó usted decir [illegible] había estado en Sagua [illegible] esos días?

Somellán.—No, señor; no oí decir nada de eso.

Fiscal.—¿Sabe usted que [illegible] Somellán [illegible] Sagua?

Somellán.—No, señor; no sé

LA LUCHA

LOS TRIBUNALES

Jan. 9 1897

El proceso Someillán

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Habla Someillán

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Contestó con desembarazo á las preguntas del señor Fiscal.

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Ha estado procesado otra vez, por rebelión; en unión de su hijo don Luis Someillán Vidal y de don Márcos Rodriguez Molina, en cuya causa se dictó auto de sobreseimiento provisional.

El Fiscal le hizo, entre otras, las preguntas siguientes:

Fiscal.—¿Tenía usted muchas relaciones mercantiles con Cayo Hueso?

Someillán.—Sí, señor; con los señores E. H. Gato, José Toledo, hermanos Cordero, Cayetano Soria y otras personas.

Fiscal.—¿Y con New York?

Someillán.—También.

Fiscal.—Y cuando esos señores le dirigían algún pedido, ¿lo hacían directamente á usted por el cable, ó por carta, de New York ó de Cayo Hueso?

Someillán.—Por telégrafo y por carta se me daban órdenes de embarcar tabaco, frutas, víveres, etc Si el pedido no apuraba, por carta. Si era urgente, por telégrafo.

Fiscal.—¿Ha dicho usted en el sumario que devolvió usted algunos telegramas?

Someillán.—Sí, señor; algunos que no eran para mí, sino para otro Someillán.

Fiscal.—¿El día 29 de junio no estuvo usted en su escritorio?

Someillán.—No, señor. Desde el sábado 27 me enfermé, guardé cama, y no volví al escritorio hasta el día primero de julio.

Fiscal.—¿Qué documentos le entregaron?

Someillán.—Ninguno.

Fiscal.—¿Y con quién hablaba usted de sus ideas políticas, respecto á la insurrección?

Someillán.—Con nadie, porque como soy ciudadano extranjero, no tenía por qué meterme en lo que no me importaba.

taba enterado de hechos que comprobaran este rumor ni recuerda las personas que lo dijeran, y que el Secretario de la Alcaldía del Cristo le manifestó que Someillán había identificado á un sujeto sospechoso, con nombre supuesto, cuyo individuo estuvo preso, formándose causa por este motivo á Someillán.

Don Salvador Soler

Vigilante de policía, desde el año 1868, agente del celador del Templete, de 59 años y de Orense.

El celador Fernández le dió orden de vigilar á Someillán y el testigo veía entrar mucha gente, todos los días, que le parecía sospechosa, pues oía decir que la mayor parte de los que subían eran desafectos á España.

Defensor.—Diga el testigo si sabe qué otro escritorio hay en los mismos altos donde tiene el suyo el señor Someillán.

Vigilante.—El del Dr. Burgess, médico del Gobierno Americano.

Defensor.—¿Y no suben allí muchas personas, que se van á embarcar, en busca del Dr. Burgess, para que les dé certificaciones?

Vigilante.—Sí, señor.

Fiscal.—Sr. Presidente, la manera de preguntar del letrado es sugestiva.

Presidente.—Haga el letrado las preguntas en forma que no vaya envuelta la contestación con la misma pregunta.

D. José Suárez Iglesias

De Avilés, vecino de Obispo 17. Conoce de vista á Someillán.

Fiscal.—¿Qué concepto le merecía á Vd. el procesado?

Suárez.—Concepto bueno. Ahora, se decía que si era ó no era separatista, y se veía subir á su casa mucha gente sospechosa.

Defensor.—¿Y no subía también mucha gente á la consulta del Dr. Burgess?

Suárez.—Sí, la gente que iba á *matricularse* con dicho médico americano.

Presidente.—¿No puede Vd. precisar qué personas hablaban en ese sentido del Sr. Someillan?

Suárez.—No, señor. Yo lo oí en el café.

Presidente.—¿De modo que Vd. se enteró por conversaciones de café?

Suárez.—Sí, señor.

Miguel Rodriguez.

De 44 años, natural de Asturias y vecino de Obispo 23.

Hace ocho años que conoce á Someillán y no sabe nada malo de él.

En política, cree que es contrario al Gobierno español.

Ignacio Anca Rovira.

De la Coruña, de 34 años, vecino de Obispo 17.

Fiscal.—¿En qué concepto tiene Vd. á Someillán?

Anca.—Para mí bueno.

Fiscal.—De su conducta política, ¿qué sabe Vd?

Anca.—Dicen que reclutaba gente para la insurrección y que conspiraba; pero á mí no me consta nada.

Juan Pol y Leal.

De Galicia, 49 años, vecino de Obispo 15.

Dijo que conoce de vista al acusado y que desde la primera vez que Someillán fué detenido viene oyendo decir al testigo que aquél es anti-español y desafecto.

El coronel Tort

El coronel D. Guillermo Tort, no pudo asistir á declarar en el juicio

Someillán.—Ninguno.

Fiscal.—¿Y con quién hablaba usted de sus ideas políticas, respecto á la insurrección?

Someillán.—Con nadie, porque como soy ciudadano extranjero, no tenía por qué meterme en lo que no me importaba.

Fiscal.—Bien pensaba usted. ¿De manera que ni por curiosidad hablaba usted de los actuales sucesos?

Someillán.—No, señor.

Fiscal.—¿No conoce usted á don Alfredo Gómez, vecino de Lamparilla setenta y seis?

Someillán.—No lo conozco.

Fiscal.—¿No ha tenido usted conocimiennto por Lamparilla, ó amistad por allí?

Someillán.—Por Lamparilla, con nadie. *(Risas en el público.)*

El Sr. Presidente.—Orden; guarden silencio.

Fiscal.—¿Conoce usted á Clark?

Someillán.—Tampoco.

—

El señor Enjuto hizo las siguientes preguntas al procesado.

Presidente.—El año setenta y seis, ¿dónde residía usted?

Someillán.—En Cayo Hueso.

Presidente.—¿Dónde estuvo después?

Someillán.—Viajando por los Estados Unidos y otros puntos.

El señor Enjuto hizo poner de manifiesto al acusado el telegrama *Clark*.

Someillán negó haberlo recibido, y dijo que ese telegrama era para su sobrino D. José Someillán, á quien se lo entregó el dependiente, también sobrino del procesado, D. Joaquín Vidal.

Testigo D. Antonio Romero

Comenzó la prueba testifical por don Antonio Romero Rodríguez, natural de la Coruña, del comercio, vecino de Obrapia 17, alcalde del barrio del Templete.

Fiscal.—¿Qué noticias ha adquirido usted como funcionario público, acerca de D. Luis Someillán, y qué concepto tiene usted del mismo?

Romero.—Desfavorable. En el concepto público está considerado como desafecto á España, separatista, etc., etc.

Someillán (interrumpiendo.)—¿V. S. me permite?

Presidente.—En su tiempo hablará usted. Testigo, conteste usted á la defensa.

Defensor.—¿Cuándo fué usted nombrado alcalde de barrio?

Romero.—En Junio del 96.

Defensor.—Entonces, ¿á qué época se remontan esos informes que tenía usted pintando á Someillán como separatista?

Romero.—Al poco tiempo de haberme hecho cargo de la alcaldía.

Defensor.—¿Al poco tiempo ya tenía usted noticias? ¿Y cómo no realizó usted ningún acto, ni puso usted sus noticias en conocimiento de la autoridad?

Romero.—Yo recibí un mandato del Juzgado de la Catedral para que me informara, como lo hice, con los vecinos, y formé un expediente.

Presidente.—¿No puede usted concretar qué personas lo informaron á usted?

Romero.—No hice constar las personas, sino el rumor.

El testigo se retiró.

Someillán.—Tenía pedida la palabra á V. S.

Presidente.—Ya hablará usted en su oportunidad.

D. Santiago González

De Orense, 38 años, empleado, y conoce, hace 7 ú 8 años, á Someillán, y de él sabe que se decía que era agente revolucionario. Dijo que no es-

que conoce de vista al acusado y que desde la primera vez que Someillán fué detenido viene oyendo decir al testigo que aquél es anti-español y desafecto.

El coronel Tort

El coronel D. Guillermo Tort, no pudo asistir á declarar en el juicio oral, por encontrarse en prefe entes atenciones del servicio.

Fué renunciado.

Ordenanzas del Cable

Declararon tres ordenanzas del Cable.

De ellos, D. Pedro González, declara que llevó dos telegramas á Obispo 21, sin fijar la fecha ni la dirección, entregándolos á un dependiente

Llamado á declarar el testigo don Manuel Díaz Armesto, criado del Dr. Burgess, y no de Someillán, expuso que el ordenanza González le había entregado á él dicho telegrama, en domingo, y el lunes se lo dió el declarante al mismo Someillán, extremo que este niega, celebrándose un careo entre el procesado y el criado del señor Burgess, sosteniéndose cada uno en su dicho: Someillán en que no fué al escritorio ese día, pues estaba enfermo, y el criado en que aquél recibió de sus manos el telegrama.

Aquí hay una contradicción. El día 29 de Junio dice el empleado del Cable que llevó el telegrama y el 29 era lunes.

Según el ordenanza, no es el domingo el día en que recibió el criado el telegrama á que se hace referencia.

De esta contradicción tomó nota la defensa.

Los otros empleados de Telégrafos han llevado también cables á casa de Someillán sin precisar la fecha.

D. Ramón Dopazo

De la casa Salmonte y Dopazo, situada en los bajos del escritorio de Someillán.

Natural de la Coruña, de 34 años. Conoce á Someillán hace 12 años y dice que no le ha oído manifestaciones en sentido político.

Fiscal.—¿No ha oído Vd. decir por el vecindario que Someillán era desafecto á España?

Dopazo.—Se decía; pero como es ciudadano americano, ya renunció á ser español.

Fiscal.—¿Ha recibido el testigo algún beneficio del Sr. Someillán?

Dopazo.—Ninguno.

D. Luis Urgell

De Barcelona, barbero, de 52 años.

Afeita hace tiempo á Someillán y dice que éste nunca usó bigote y sí patillas, aunque se las quitó hace más de un año.

El Fiscal renunció á preguntar al testigo diciendo:

—Me es insignificante el bigote ó la perilla.

D. Bernardo León

Otro barbero

—Lo renuncio, dijo el Sr. Mesa porque era para la prueba del bigote.

Más testigos

Declararon Dª Teresa Casanova, viuda de Vidal, parienta de Someillán, la Srta. María Josefa Coppinger, y el jóven D. Luis Vidal y Casanova, que convinieron en que los días 28, 29 y 30 de Junio, Someillán estuvo retenido en cama, en su casa, Concordia 46, con un fuerte catarro.

—

A las 4 y media se suspendió la sesión para la una de la tarde de hoy.—**Arnautó.**

LOS TRIBUNALES

El proceso Someillán

Segunda sesión de los debates. — Concluye la prueba.—Vidal en el Ministerio público. — La Ley del miedo.—Brillantísima acusación.

(CONTINÚA EL JUICIO SUSPENDIDO.)

A la una menos diez minutos, constituído de nuevo el Tribunal, en sus puestos el Fiscal, el defensor y el procurador, entró en la Sala el procesado D. Luis Someillán y Azpeitía.

—¡ Señores letrados ! dijo un alguacil.

Y una avalancha de hombres de toga se lanzó por las puertas de la Sala.

—¡Señores de la prensa! gritó después el mismo alguacil.

Y otra avalancha de periodistas de profesión y de *periodistas* del momento, tomó por asalto la mesa destinada á la prensa.

—¡Audiencia pública! ¡Continúa la sesión susspendida! anunció entonces el propio alguacil.

Y entró, como pudo, una numerosa falanje de hombres de todas edades, razas y procedencias, queriendo ganar cada uno el primer puesto, sin pecar de irrespetuoso con el Tribunal ni con los ugieres que no cesaban de imponer orden con la frase sacramental:

—¡Guarden silencio!

Iba á oirse la acusación del señor Vidal, cuya presencia en el Ministerio Público inspira gran interés, y da á los debates más importancia, desde su famoso informe en el proceso Sanguily. Era, pues, muy natural que hubiese más auditorio y más curiosidad que en la primera sesión de la vista.

D. Joaquin Vidal.

El Presidente, señor Enjuto, ordenó que entrase el testigo D. Joaquín Vidal Casanova, de la Habana, de 18 años, sobrino político del acusado Someillán.

Defensor.—¿Vive usted en la misma casa del señor Someillán?

Vidal.—Si, señor; en Concordia 46.

Defensor. —¿Llevó usted á la botica del Dr. Rodriguez Feo una receta del Dr. Rodriguez Parra?

Vidal.—Si señor.

El testigo dijo que esa receta era para su tío el procesado Someillan, que estuvo enfermo los días 28, 29 y 30, en su casa, con un fuerte catarro.

A preguntas del Fiscal, expuso que el día 29, fué al escritorio de su tío á ver si había algún recado ó correspondencia para él, no encontrando nada y pidiendo la llave al criado del Dr. Burgess.

El día 30 volvió, pues su tío le había encargado estuviese al tanto del escritorio durante su enfermedad, y un [illegible] de la defensa, al D. Casanova, donde vivía el señor Someillán, y supo que en los días 27, 28, 29 y 30 estaba enfermo el procesado, asistiéndolo el Dr. Parra.

Fiscal.—¿Cómo ha dicho usted que se llama?

Govín.—Félix Govín y Domínguez.

Fiscal.—Es usted Govín. ¿Y no ha declarado usted en la otra causa seguida al señor Someillán?

Govín.—No señor.

Fiscal.—¿No ha recibido usted ningún beneficio del señor Someillán?

Govín.—No señor.

D. Juan Sixto Coppinger.

Padre de la Srta. María Josefa Coppinger, con quien estuvo en los días últimos de Junio en casa de Someillán, sabiendo que los días 29 y 30 estaba enfermo. Conoce á Someillán hace 4 ó 5 años.

Fiscal.—¿Ha recibido usted algún beneficio del señor Someillán?

Coppinger.—Si señor, los de una buena amistad.

Dr. D. Antonio Rodriguez Parra.

De 46 años, de la Habana, médico de Someillán, á quien asistió en los últimos días de Junio, con motivo de padecer su cliente de un catarro gripposo.

Fiscal.—¿Prohibió usted al señor Someillán que saliera á la calle durante ese catarro gripposo?

Dr. Parra.— Como prohibirle, no señor; pero si hubiese salido corría el riesgo, por su edad, de empeorarse en su dolencia.

Fiscal.—¿Qué clase de amistad tiene usted con el señor Someillán y qué favores ha recibido usted de él?

Dr. Parra.—Fuera de las relaciones de cliente á médico no tengo amistad con el señor Someillán y no he recibido favor ninguno de él.

Dr. D. Joaquin Rodriguez Feo

De Matánzas, de 45 años, dueño de la farmacia Prado 22.

Reconoció una receta del Dr. Parra, y dijo que la fué á buscar Joaquín Vidal para el señor Someillán, que se hallaba enfermo.

Fiscal.—¿Y como sabe usted que el que la fué á buscar se llamaba Joaquín Vidal?

Feo.—Porque es hijo de una prima mía.

Fiscal.— De manera que también usted es de la familia. ¿Y no ha recibido usted ningún beneficio del señor Someillán?

Feo.—Ninguno.

D. Joaquin González

De Bejucal, de 56 años.

Negociaba en frutas y viandas con la casa Someillán. Fué á buscar á Someillán á su escritorio el 29 para un negocio urgente, sobre embarque de esas frutas y viandas, y tuvo que ir á su casa particular, porque estaba enfermo.

Fiscal.—¿Ha recibido usted algún beneficio del señor Someillán?

González.—Ninguno. Mis relaciones con él son de negocios.

Se terminó aquí la prueba testifical, y el representante del Ministerio Público pidió al señor Presidente suspendiese la sesión por cinco minutos para descansar.

Era la una y 25 minutos.

La Ley del miedo

—Vivimos en una época de opinión, manifestaba el señor Vidal; y por eso tenemos que ocuparnos de todo hecho que sea objeto de atención para la opinión pública. La Prensa ha publicado la pretensión del defensor de que esta Sala se compusiese de seis magistrados, con arreglo á la Ley de 1821.

—Yo he de probar, no ante la Sala que no lo necesita, sino ante el auditorio, ante la isla de Cuba y la España entera que este Tribunal está formado con toda legalidad, que aquí no se ha violado ningún tratado.

Y habló el señor Vidal de aquella famosa Ley de 1821, conocida por la *Ley del miedo.* (Fué esa Ley dictada en una de las épocas más borrascosas del reinado de Fernando VII, en aquellos días de las logias de *los comuneros*, del cura de Tamajón y de la Junta Apostólica; ley en que se reflejaba el exagerado rigor de aquel Gobierno, que no comprendía que su sistema era signo seguro de debilidad y de ruina.)

Al señor Vidal causaba asombro y espanto la pretensión de la defensa de que se aplicase á un subdito americano una Ley que ponía á Someillán á dos líneas del verdugo; una ley que es la que ofrece menos garantía para los procesados; una Ley, producto de nuestras disensiones civiles, en época en que no estaban seguras la propiedad ni la persona; una Ley que si exige seis magistrados, en cambio si el juez de primera instancia obcecado ó apasionado, condena á muerte al reo, y sólo tres de los magistrados se conforman con la sentencia, Someillán subiría al patíbulo.

Según el señor Vidal, la defensa jugaba un juego peligrosísimo en que arriesgaba la cabeza de su defendido, y sería bochornoso que los tribunales españoles aplicasen á un extranjero leyes rechazadas como atentatorias á la dignidad de los ciudadanos de nuestra Nación.

Además es inoportuna la pretensión del letrado que sabe que los actuales procesos los siguen jueces de instrucción, no los antiguos jueces de primera instancia. Si consintió esto al comenzar el procedimiento, es poco serio venir en el acto del juicio oral con una cuestión, que sólo podría servir como base de protesta para entablar el recurso de casación, y así retardar la ejecución de la sentencia, si esta condena á Someillán.

La prueba

El señor Vidal comenzó á detallar la prueba, diciendo que buscaba los fundamentos de su acusación en la prueba de la defensa.

—Se ha inventado aquí un Joaquín Vidal, un mozuelo que aparece como apoderado del señor Someillán, y un Pepe para que se haga cargo de un telegrama firmado *Clark.* El señor Someillán por su cara, su grave continente, revela un hombre dedicado á la inflexibilidad del número, y fijándose en ello el Tribunal comprenderá que no iba á fiar sus asuntos ni sus negocios á un muchachuelo de 18 años.

Llama á Cayo Hueso el banderín de enganche de los insurrectos contra la dominación española.

Se refiere á la opinión pública que en cafés, calles, paseos, círculos, señala á Someillán como separatista y como agente de los conspiradores.

De la cóartada de la enfermedad, dice que es declarada por testigos como Govín y otros, que son todos amigos íntimos ó parientes del proce-

á ver si había algún recado ó correspondencia para él, no encontrando nada y pidiendo la llave al criado del Dr. Burgess.

El día 30 volvió, pues su tío le había encargado estuviese al tanto del escritorio durante su enfermedad, y un tal Pepe, que según la defensa es D. José Someillán, le preguntó si había alguna carta ó cable para él.

Fiscal.—¿Usted qué hizo?

Testigo.—Por no buscar, le dije primero que nó. Pero al ver su insistencia, revolví los papeles y encontré un telegrama que decía: *Someillán, Habana*; y se lo entregué á ese señor.

Fiscal.—¿Usted conocía al Pepe ese?

Testigo.—Iba por el escritorio á menudo, cuanda estaba allí el hijo de Someillán y decía que era pariente de ellos.

Fiscal.—¿Y á ese Pepe le dió usted el telegrama cerrado ó abierto?

Testigo.—Cerrado.

Fiscal.—¿ Era usted dependiente, apoderado, ó qué, del señor Someillán?

Testigo.—Le ayudaba algunas veces en el escritorio.

Fiscal.—¿Y esa ayuda se refería también á todos los asuntos en que intervenía el señor Someillán?

Testigo.—No señor. Yo soy estudiante de la Universidad y cuando salía de clase, pasaba por el escritorio y allí estudiaba ó ayudaba en lo que me pedía al señor Someillán.

Fiscal.—¿Le paga á usted la carrera el señor Someillán?

Testigo.—No señor, la costea mi madre.

Fiscal.—Diga el testigo, precise en qué operaciones, en qué diligencias, en qué negocios mercantiles ha intervenido por mandato del señor Someillan.

Testigo.—No recuerdo ahora; pero eran diligencias relacionadas con la casa de Comercio del señor Someillán.

Fiscal.—¿Desde cuándo conoce usted al Pepe ese?

Testigo.—Desde que estaba en el escritorio el hijo de Someillán.

Fiscal.—¿Cómo le dió usted ese telegrama y cómo sabía usted que era para él?

Testigo.—Porque estaba interesado en que lo buscara.

Fiscal.—¿Y cómo sabía usted que Pepe estaba interesado en ese telegrama?

Testigo.—Por la insistencia con que me pedía que lo buscase.

Fiscal.—¿Y Pepe ha recibido con anterioridad otros telegramas de usted?

Testigo.—No señor.

Fiscal.—¿Qué contraseña usaba la casa del señor Someillán para que usted comprendiera que ese telegrama era para Pepe y no para el señor Someillán?

Testigo.—Porque no decía Someillán y Compañía, sino Someillán solo.

Fiscal.—¿Y todos los telegramas que decían Someillán solo, eran para Pepe y no para el procesado Someillán?

Testigo.—No lo sé.

Coincidencia. Este testigo, que fué sometido por el señor Fiscal á un intencionadísimo interrogatorio, se llama Joaquín Vidal. Y el señor Fiscal se llama también Joaquín Vidal.

El testigo es hermano de D. Luis y de D. Onofre Vidal, que fueron citados también como testigos en el juicio.

En la primera sesión el Vidal que declaró es Onofre y no Luis, pues este se halla en Nueva York.

D. Félix Govin.

De Matanzas, de 52 años.

Conoce al acusado porque el testigo frecuentaba la casa de doña Teresa

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Se terminó aquí la prueba testifical, y el representante del Ministerio Público pidió al señor Presidente suspendiese la sesión por cinco minutos para descansar.

Era la una y 25 minutos.

Antes del informe

Durante la suspension del acto, por cinco minutos, el público quedó en el local.

Empezó el cuchicheo. Unos aseguraban que aunque el Fiscal no había pedido la suspensión para modificar, lo haría porque de la prueba traída al juicio no resultaba nada contra Someillán. Y sonreían con satisfación no exenta de malicia. Indudablemente tenían ciertas afinidades sospechosas con el proceso. Otros se mostraban contrariados. También veían libre á Someillán de las garras de la Ley. Pero eran los que habían oído decir que Someillán pertenecía á una junta de conspiradores, y los que eso creían; eran los que observaban aquellas idas y venidas de gente desafecta en el escritorio de Someillán, y los que las presumían; eran, en fin, los que consideraban al reo como un enemigo de la causa nacional.

Cesaron de pronto los murmullos. La Sala, el Fiscal, la defensa, todos, volvieron á ocupar sus puestos. Eran las dos menos cuarto de la tarde. Iba á acusar á Someillán un Grande de la magistratura española.

El informe

A medida que fué desarrollando su informe el señor Vidal y Gómez, su semblante, dotado de una severidad simpática, se avivaba con los tonos de su inspirada palabra, y la figura de Someillán tomaba las proporciones que quería darle el Fiscal, y éste, encerrado en los deberes de su ministerio, iba cerrando también, resueltamente, la puerta á toda duda.

Sobre una prueba de simples referencias, de detalles pequeños, de telegramas que no sometidos á clave eran á primera vista inocentes, sin pronunciar una palabra inútil, ejerciendo la dictadura de la elocuencia y buscando el triunfo legítimo de la Ley; combinó su argumentación el señor Fiscal presentando á los ojos de la Sala no al Someillán que se veía, sino al hombre que, á su juicio, estaba dentro de aquel hombre.

Comenzó pidiendo á la Sala que, aceptando los hechos como probados, condenase á Someillán á cadena perpetua, por el delito de rebelión.

—Aún resuenan en este recinto—decía poco más ó menos el señor Fiscal—los ecos de otros debates que guardan analogía con los de este proceso. Se parecen mucho, aunque se separan los extremos. Allí, como aquí, el drama es igual. La catástrofe, del mismo género. Se siente en su desarrollo la lesión de la Patria, aconsejada por la ingratitud y sostenida por la perfidia. Allí uno que fué nuestro enemigo, exponiendo su vida como la expone un soldado en el campo de batalla. Aquí, otro que sirve á su causa con su imaginación.

—En Sanguily—agregaba el señor Vidal—se ve el entusiasmo del sectario, el fanatismo del político, al rebelde que responde con arrogancia: «—Soy lo que fuí, y se ve lo que soy.» Con los hábitos que la campaña da al que la ha hecho, se preparaba para volver á batallar. En Someillán se siente al laborante de la ciudad, y es en este caso un anciano que, sin fuerzas para combatir, conspira en la sombra y niega sus ideas. Este reo obscuro trabajaba en distinta forma, no batallaba, laboraba de una manera oculta. Como final del drama, la misma pena gravísima para Sanguily y para Someillán.

Se refiere á la opinión pública que en cafés, calles, paseos, círculos, señala á Someillán como separatista y como agente de los conspiradores.

De la cuartada de la enfermedad, dice que es declarada por testigos como Govín y otros, que son todos amigos íntimos ó parientes del procesado.

—Los Govín y los Someillán, nombres que se encuentran juntos en las páginas de este proceso, como siluetas obscuras en relación con la claridad de los incendios.

Hace referencia al anterior proceso seguido á Someillán, en unión de su hijo y de D. Márcos Rodríguez Molina, y del cual constan antecedentes en el sumario.

Negó importancia y crédito á la declaración notarial, prestada en Cayo Hueso, por D. José Someillán.

En resúmen, el Sr. Vidal tomó todos los datos, combinó todas las pruebas, presentó á Someillán como un conspirador formidable, dando impulso, desde la ciudad, á la ola revolucionaria. En la pintura de este cuadro, dentro de cuyo marco aparecía Someillán, el Sr. Vidal estuvo tan inspirado como en aquellos debates donde nos retrataba á Sanguily, eterno rebelde, con Yara en el pasado, é Ibarra en el porvenir.

Terminó Vidal diciendo á la Sala que no guardase consideración alguna á Someillán porque Someillán no la tuvo, y que había que extirpar á los que eternizan la guerra en la ciudad, pues de lo contrario serían inútiles las heroicidades del campo de batalla.

Agregó que era preciso ver la personalidad de la parte ofendida, que no había palabras bastante grandes para pronunciar su nombre: la Patria, que no puede ser postergada á los convencionalismos ni al dolor de otras madres y otros hijos; y que era necesario salvar el fin social, condenando á Someillán, actor principal en la actual tragedia.

—De esta manera,—concluyó el Sr. Vidal,—se satisfará á la Ley, á la Justicia y á la Patria y se probará la magestad inmaculada de la nación española.

El informe del Sr. Vidal no necesita más comentarios que los que ya hemos expuesto. Someillán quedó prisionero de la elocuencia y de los argumentos del Fiscal de S. M.

Por lo avanzado de la hora,—las 4 y media,—dejó su informe el Sr. Mesa y Domínguez, para la sesión de hoy, la tercera de estos debates.

Arnautò.

Jan. 12 - 1897

LA LUCHA.

LOS TRIBUNALES

El proceso Someillán

Tercera sesión de los debates.—Mesa y Domínguez en defensa de Someillán.—Brillante informe.—Rectificación del Sr. Fiscal de S. M.—Antecedentes.—Una protesta.

La sesión de ayer

Bien pensó el señor Mesa y Domínguez, en la tarde dal sábado, cuando dejó su informe para el día de ayer, lunes. Acababa de hablar el señor Vidal, y la atmósfera estaba cargada con las nubes amontonadas sobre la cabeza de Someillán por la magnífica acusación del Fiscal de S. M.

«Puesto el talento del señor Mesa y Domínguez al servicio de la desgracia», —como repetidas veces dijo el señor Vidal,—necesitaba que en su nobilísima obra fueran cómplices aquellas horas que interrumpían el curso de los debates. Pero cuando se habla como habló el señor Vidal, es muy difícil que el tiempo sirva de esponja para borrar recuerdos que no se desvanecen fácilmente.

Sin embargo, el señor Mesa hizo cuanto le fué posible para salir airoso de su difícil empresa. Nosotros le hemos oido muchas veces, y confesamos que nunca nos pareció mas inspirado que en la sesión ayer. Es claro; elocuencia obliga.

Comenzó el señor Mesa diciendo que tenía la plena convicción de la inocencia de Someillán, y que la ha robustecido con el examen de la prueba y las sesiones del juicio oral.

Discurrió sobre la hermosa acusación del señor Fiscal y dijo que le hacía el efecto de un kaleidoscopio, en el cual, simples pedazos de vidrio aislados, al combinarse, formaban un bonito efecto: y que así, el señor Vidal, construyó sobre la nada un conjunto de cargos formidables.

Insistió en su opinión sobre la Ley de 1821, de la que dijo que si por una parte era inferior á la vigente, en cambio no dejaba entregado al acusado á los jueces como sucede con el actual procedimiento. Con aquella ley, los testigos tienen que declarar, desde el sumario, á presencia del procesado.

Sobre este extremo dijo que los testigos del expediente de policía, no tuvieron el valor de sostener ante la Sala todo lo que dijeron primeramente, y que la fama pública, podía ser producto de la animosidad agena, de alguien empeñado en perjudicar al acusado, quizás porque éste se oponia á alguno de sus designios: que esa fama pública empezaba por un chisme de vecindad, al que seguía un rumor, y luego se creaba la atmósfera insana al rededor del procesado.

Sobre las instrucciones firmadas en 16 de Junio por el cabecilla Salvador de Castroverde explicó el Sr. Mesa que, no era posible su relación con el Inspector del Reconocimiento de Buques, que lo era entonces D. José Trujillo Monagas, subió á bordo y detuvo al pasajero D. Márcos Rodríguez Molina.

Rodríguez Molina había venido, en viaje anterior, de Cayo Hueso y Tampa, sin pasaporte.

El Sr. Trujillo obedecia órdenes del general Martínez Campos, y esta Autoridad las dió á virtud de telegrama del Cónsul español en Key West.

Registrado Rodríguez Molina se le encontraron unos treinta bonos, de á 50 pesos, de la *Empresa Marítima Cubana* de 1870, pertenecientes, como se vé, á la Revolución pasada, y las cartas siguientes, entre unos papeles referentes á la testamentaría de doña Inocencia Casanova.

Carta á Charles Govin, New York.

«Amigo Charles: Ya le habrá visto la Sra. del Dr. R. G. Yo le repetiré aquí el aviso que ella le dará y que consiste:

1.° Que procure Vd. avisar cuanto antes á M. G. y á A. M. que por mediación de Vd. pueden comunicarse conmigo.

2° Que P. D. convenga en un mes de plazo en estar vigilando el puerto que indica para recibir elementos. El mes debe contarse desde el día que fije Don P. Y que ratifique el nombre del puerto para más seguridad. El puerto es el que Vd. señala en su última.

3.° Que puede V. aceptar como mia toda comunicación ó todo envío que desde Tampa haga F. F., agente de toda probidad y confianza á quien he dado su dirección.

Pronto contestaré en resúmen todas sus últimas, incluyendo comprobantes. Hoy el quehacer me abruma y no hay tiempo para más. De V. afectísimo *Jh. Abuc.*

Este Charles Govin ha muerto en la manigua de heridas recibidas en un encuentro con el general López Ochoa.

—

Carta á don Francisco Chenard, que decía en el sobre con lápiz: *Para Chenard.*

Amigo Pancho: Todo sigue bien por aquí, muy tranquilo. Que sabroso eres; le digiste al abogado de la calle de Neptuno que me habías dejado 300 pesos por si necesitaba algo. ¿Que dinero es este? Al fin le di $42-40 y te lo cargué á tu cuenta, al menos que tu quieras coger de los fondos de C. que tu sabes son para remitir á su destino y no podemos tocarlos, y para eso con lo de esta semana no queda tanto; pues mando 5 tercios de tripa y 2 cajas de medicinas en la goleta *Julia.* Hoy pienso ir á ver á Emilio. Memorias á todos y á Manuel qué tal de casquillo Tuyo. *L.*»

Fueron estos los documentos cogidos á Rodríguez Molina, quien dijo se los habian dado Someillán, padre, y Someillán, hijo. Se detuvo á éstos y se formó causa á los tres por rebelión.

Don José Manuel Govin declaró ante el notario don Leopoldo de Arrastia, en Nueva York, que al salir de la Habana su esposa doña Celina Casanova, dejó olvidados en casa de su tía doña Concepción Casanova esos papeles que se referian los unos á la testamentaría de doña Inocencia Casanova, y los otros pertenecian á un

y que la fama pública [illegible] ducto de la animosidad agena, de alguien empeñado en perjudicar al acusado, quizás porque éste se oponia á alguno de sus designios: que esa fama pública empezaba por un chisme de vecindad, al que seguía un rumor, y luego se creaba la atmósfera insana al rededor del procesado.

Sobre las instrucciones firmadas en 16 de Junio por el cabecilla Salvador de Castroverde explicó el Sr. Mesa que no era posible su relación con el telegrama que se dice recibido por Someillán, por las siguientes razones de fecha:

Castroverde se presentó á indulto, y el 27 de Junio salié para New-York en el vapor «Orizaba», que no toca en Cayo-Hueso, y llegaria el día 1° á New-York. ¿Cómo es posible, dice el señor Mesa, que Castroverde pusiera un cable el 29 en Cayo-Hueso, el dia 29 de Junio, que es la fecha que tiene el telegrama firmado *Clark*?

Niega autoridad al criado del Dr. Burgess, porque éste dijo que recibió de un ordenanza de telégrafos el cable referido, siendo domingo, y que al dia siguiente, lunes, lo entregó á Someillán. Sobre esto, dijo el letrado que ahí estaba el calendario, en el cual el domingo fué día 28, no 29 y esta última es la fecha del telegrama que no se iba á recibir en la Habana un día antes de ser expedido en Cayo-Hueso.

Dijo que el Fiscal se ha dejado seducir por los nombres de los Govín, los Casahova y los Someillán, que aparecen en la causa sobreseida, la cual alegó que no puede servir de antecedente desfavorable ni de cargo para el reo, puesto que el auto de sobreseimiento era por falta de pruebas.

Después de tocar todos los cargos expuestos por el Fiscal de S. M., el señor Mesa terminó su brillantísimo informe diciendo que él lloraba también sobre aquellas lágrimas que evocaba el Fiscal, y que confiaba en los Magistrados integérrimos y honrados que formaban el Tribunal, porque ellos no iban allí dispuestos á condenar sin pruebas, sino á pesarlas con conciencia y á aplicar la Ley.

El señor Mesa estuvo á envidiable altura, en el examen de la prueba y en la cuestión de derecho, y demostró que su valor profesional está por encima de las conjeturas ofensivas, emboscadas en alevoso acecho. El Fiscal tiene la convicción de que el procesado es culpable y acusó; el defensor cree que es inocente y lo defendió. Nadie tiene derecho á formar juicio mientras la Sala no falle, que hasta ella no llegan las olas de las pasiones humanas, y su sentencia será como siempre una obra de honrada rectitud y de sana justicia: basta decir que es ponente el Sr. D. Ricardo Maya.

Rectificó energicamente el Fiscal ciertos puntos de la defensa, diciendo, entre otras cosas, que el delito de rebelión no es un delito político, sino un delito común, al que son anexos el asesinato, la violación y el incendio, y que los señores de la Sala no podian olvidarse de que vivían dentro del movimiento nacional; que la guerra no se acabaría sino se concluye con los que fomentan la rebelión en la sombra, y que el Tribunal tenía el deber de auxiliar la vigorosa acción de la Autoridad Gubernativa.

Rectificó también brillantemente el señor Mesa, y quedó concluso el juicio para sentencia, después de manifestar el señor Someillán que estaba conforme con todo lo expuesto por su letrado defensor.

Antecedentes.

Para completar nuestra información, publicamos los antecedentes del auto de sobreseimiento á que se han referido en sus informes el Fiscal y el defensor de Someillán:

El 15 de Enero de 1896, á las 2 de la tarde, hora en que partía para Cayo Hueso y Tampa el vapor *Olivette*, el

y se formó causa á los tres por rebelión.

Don José Manuel Govin declaró ante el notario don Leopoldo de Arrastia, en Nueva York, que al salir de la Habana su esposa doña Celina Casanova, dejó olvidados en casa de su tía doña Concepción Casanova esos papeles que se referian los unos á la testamentaría de doña Inocencia Casanova, y los otros pertenecian á un curioso archivo de documentos de la pasada guerra; y agregó que Someillán ignoraba el contenido de aquellos sobres cerrados.

Los peritos cotejaron la letra de los Someillán con la de las dos cartas y no encontraron parecido; y la Sala formada por los señores Mendo Figueroa, Maya y Valdés Pagés, á petición del Fiscal don Belisario Alvarez y Céspedes, decretó el sobreseimiento por falta de pruebas y la libertad de los procesados en 1° de Abril de 1896

Una protesta

Contra el auto de la Sala declarando no haber lugar á la petición del señor Mesa de que formasen el Tribunal 6 magistrados, entre ellos el regente, ha establecido el letrado su correspondiente protesta, que fué admitida por la Sala.

Arnautò.

Jan. 15 1897.

LA LUCHA.

LOS TRIBUNALES

El proceso Someillán.

LA SENTENCIA.

Ponencia del Sr. Maya.

Ayer, á las 12 y media de la mañana, fué leida en Audiencia pública, en la Sala 1ª de lo Criminal la sentencia condenatoria de D. Luis Someillán y Azpeitia, debida á la ilustrada ponencia del recto, integro y experto Magistrado, D. Ricardo Maya.

Como se ve, la sentencia ha sido dictada de conformidad con la magistral acusación del Ilmo. Fiscal de S. M., D. Joaquín Vidal y Gómez.

Hé aquí la sentencia:

En la ciudad de la Habana á catorce de Enero de mil ochocientos noventa y siete, vista la causa que procedente del Juzgado de Instrucción de Guadalupe se sigue entre partes, de la una el Ministerio Fiscal y de la otra el Procurador D. Nicolás Sterling, con la dirección del Letrado don Antonio Mesa y Dominguez en nombre y representación del procesado D. Luis Someillán y Azpeitia, hijo de D. Mateo y doña Evarista natural de la Habana, viudo, de cincuenta y cuatro años de edad, del comercio y vecino de Obispo veinte y uno, con instrucción y sin antecedentes penales, preso y procesado por rebelión. En cuya causa y sustanciación se han observado los trámites legales. Siendo ponente el Sr. Magistrado D. Ricardo Maya.

Primero. Resultando probado que, don Luis Someillán y Azpeitia, natural de esta Isla y súbdito español hasta el año de 1876, obtuvo carta de ciudadanía de los Estados Unidos en veinte y tres de Noviembre de dicho año y se trasladó á esta ciudad donde fundó una casa de comercio bajo la razón social de Someillán y Compañía, que ha venido desde entónces dedicándose á comisiones mercantiles, y cuya oficina ó escritorio estaba instalada en el piso alto del número veintiuno de la calle del Obispo, donde el procesado no tenía su residencia ni la de la familia.

Segundo. Resultando probado que en seis de Julio de mil ochocientos noventa y seis, el celador del barrio del Templete incoó expediente de orden del Jefe de Policía de esta capital para averiguar si don Luis Someillán habia tomado parte y auxiliado á la rebelión separatista, y al efecto recibió declaraciones á los vecinos más inmediatos á su escritorio, al portero de la casa, al vigilante Soler y al alcalde de barrio y todos manifestaron que en el concepto público era tenido como desafecto al gobierno español, dando alguno como fundamento de su opinión, el hecho de que abandonó la nacionalidad en que habia vivido por la de los Estados Unidos, y que según versión general, pertenecia á la Junta Revolucionaria y se ocupaba en reclutar gente para la insurrección, viéndose frecuentemente, entrar personas sospechosas en el escritorio, por lo cual estaba sujeto hacia algún tiempo á la vigilancia de la policia, cuyo cometido desempeñaba el agente D. Salvador Soler.

Tercero. Resultando probado, que en quince de Enero de mil ochocientos noventa y seis, se instruyó en el Juzgado de la Catedral, causa por rebelión contra D. Márcos E. Rodríguez, D. Luis Someillán Vidal y D. Luis Someillan, Azpeitia por haber encontrado en poder de aquél, documentos de carácter revolucionario que el primero habia recibido del escritorio de los segundos, cuyo proceso terminó por auto de sobreseimiento provisional con el fundamento de que no resultaba bien y debidamente comprobado el delito por más que hubiera motivos racionales para sospechar de la conducta de los tres procesados.

Cuarto. Resultando probado que, en los primeros dias de Julio se ocupó á un prisionero de guerra por fuerzas del Ejército á las órdenes del coronel D. Guillermo Tort, el siguiente documento que ocupa el folio 184.—Instrucciones que deben observarse para el buen éxito de la expedición: A mi salida de Nueva York ó Cayo Hueso, pondré un telegrama á la persona que me indique el C. delegado de Hacienda de la Habana. Al segundo dia de mi salida y por si el primer telegrama hubiese sufrido estravio ó demora, ordenaré telegrafiar lo mismo á otra persona que también me indicará el C. Delegado de Hacienda. La fórmula de éste será «Matilde se casa tal cual dia». Cuando llegue el telegrama á manos del C. Delegado, éste lo pondrá en conocimiento del C. Mayor General Jefe de la provincia y del C. comandante Ramón Mentero; el C. Mayor General dictará inmediata al lugar de la [illegible] órdenes del C. [illegible]

en ese despacho, que los cables dirigidos Someillán-Habana, los ha devuelto siempre directamente ó por conducto de los ordenanzas por entender que no venian dirigidos á él, habiéndolo hecho saber á las personas que con él tienen negocios que su dirección es Someillán y Compañía.

Octavo. Resultando probado que todos los telegramas dirigidos "Someillán" han sido entregados en el escritorio de Someillán y Compañía, sin que conste fuera ninguno devuelto al cable ni directamente ni por mediación de los ordenanzas de aquel centro, y que aquella era la única dirección que traian cuantos cables se llevaron á la calle de Obispo número veinte y uno.

Noveno. Resultando que el dia treinta y uno de julio en declaración solicitada por el procesado manifestó que el veinte y siete de junio se retiró enfermo del escritorio á su domicilio en el cual permaneció sin salir hasta el primero de julio cuya exculpación reiteró en el juicio oral, citando para justificarlo á doña Teresa Casanova viuda de Vidal, su cuñada, en cuya casa vivia; á sus hijos don Luis y don Onofre Vidal y Casanova, al doctor don Antonio Parra que lo asistió, á don Juan y doña María Coppinger, á don Félix Govin y á don Joaquín González que fué á hablarle de negocios durante su enfermedad.

Décimo. Resultando probado que el dia veinte y ocho de junio fué asistido el procesado en su habitación de la calle de Concordia número 46 por el doctor Rodriguez Parra quien por encontrarlo acatarrado le propinó un sudorífico, recomendándole permaneciera en casa, sin que volviese á ver al enfermo.

Onceno. Resultando, que don Joaquin González dijo haber estado por la mañana el treinta de junio en el domicilio del acusado para que le diera la orden de entrega de frutos, negocio que sostiene con Someillán hace doce años y lo encontró acatarrado en cuyo estado lo vieron también don Juan Coppinger y don Félix Govin el dia 29.

Duodécimo. Resultando que de los parientes del acusado, la doña Teresa Casanova dice que Someillán no salió de casa por el catarro durante los dias veinte y ocho al treinta; don Luis Vidal que no declaró en el juicio porque no asistió á él, habitante de la misma casa, cree recordar haber oido decir que su tio Someillán estaba acatarrado y que lo veia por la noche; y su hermano Onofre de diez y seis, años declara que el tio estuvo enfermo y en cama durante los dias veinte y ocho veinte y nueve y treinta.

Décimo tercero. Resultando probado que el dos de julio se transmitió por el cable de la Habana á Cayo Hueso el siguiente telegrama:—"Someillan", Cayo Hueso.—Diga Pancho perdió Pepe vapor aplacen matrimonio domingo.-Alfredo.-Alfredo Gómez, Lamparilla 76.—Siendo igualmente cierto también por confesión del acusado que su hijo y dos ó tres parientes más del mismo apellido vivian en Cayo Hueso á la sazón.

Décimo cuarto. Resultando probado que, en doce de julio se recibió de Cayo Hueso otro telegrama dirigido á Alfredo Gómez, Lamparilla 76 y concebido en estos términos:—Diga si recibió cable el 29 por Sullivan, hoy casó Matilde.—Clark; cuyo destinatario ni vive ni ha vivido jamás en el domicilio indicado ni nadie le conoce.

Décimo quinto. Resultando, que en ocho de agosto, vino á declarar á instancia de la defensa de Someillán su sobrino don Joaquín Vidal y Casanova, de diez y ocho años de edad cuya declaración reiteró en el juicio oral y dijo que el treinta de julio fué al escritorio de su tio, porque éste estaba enfermo y no podia ir, con amplios poderes para todo lo que ocurriera no obstante estar allí el dependiente don José Larocha y habiendo llegado un tal Pepe á quien conoce de vista, en busca de un telegrama que para él debia haberse recibido, buscó y encontró en efecto dentro de la carpeta un cable cerrado, dirigido "Someillán" que entregó al Pepe porque dicho individuo afirmaba que era para él: lo abrio, léyó y dijo que era precisamente el que él buscaba y se marchó.

Décimo sexto. Resultando, que con el escrito de conclusiones de la defensa se presentó un Acta extendida por el Notario de Key West Don Ramón Alvarez, que contiene declaraciones de don José Someillán de haber estado en la Habana en el mes de Junio y dado orden de que su correspondencia le fuera dirigida al escritorio de los señores Someillán; y que el treinta de Junio fué á dicha oficina y preguntó al [illegible]

la absolución del procesado por no ser á su juicio culpable del delito que se le imputa.

Primero. Considerando que al atribuir el rumor público á don Luis Someillán y Azpeitia desafección á la causa y á los intereses de España no andaba ciertamente desacertado porque ese cambio de nacionalidad sin causa justificada que lo explique sugiere la racional sospecha de que, quien rompe de ese modo con sus tradiciones y su historia, hácelo por odio ó indiferencia al menos á la antigua Patria, para continuar en el goce sin embargo de las ventajas que le ofrecen la legislación y las costumbres de la Sociedad Española llevando en el fondo del corazón el fermento separatista de que es vivo y personal ejemplo.

Segundo. Considerando: que de estos antecentes no se debe ni se puede prescindir porque la Ley de procedimientos en sus artículos 377 y 378, impone el deber de inquirir la conducta y moralidad de los procesados y sus antecedentes penales y aunque pena no se impuso á don Luis Someillán en la anterior causa contra el seguida por rebelión los términos en que está concebido el auto de sobreseimiento indican dudas vehementes de su delincuencia que en aquel caso iba aparejada con la prueba del delito, y semejantes dudas corroboran el rumor público y coinciden con los recelos que en el vecindario surgieron, y si el cambio de nacionalidad inexplicable é inexplicado representa un indicio de probable hostilidad á España porque hechos semejantes no se realizan al acaso, sus actos posteriores arguyen manifiesto encono contra su soberania, y queda fuera de duda que D. Luis Someillán era un elemento y un auxiliar apto y convencido con que contaba la rebelión en Cuba.

Tercero Considerando que descifrado y aclarado el telegrama de veinte y nueve de Junio por el documento ocupado á un prisionero, es evidente que el procesado fué la persona designada al firmante de aquellas instrucciones para dirigirle el despacho anunciador de la salida de la expedición filibustera, lo cual entraña naturalmente no sólo comunidad de ideas sino el concierto previo punible de concurrir y coadyuvar y procurar mayores elementos á la insurrección, que le constituye responsable del delito de rebelión.

Cuarto Considerando que al intervenir D. Luis Someillán y Azpeitia voluntaria y maliciosamente en la remisión del aviso de la expedición á las fuerzas rebeldes que habian de recibirla, no sólo realizaba un acto de verdadero sostenimiento de la rebeldia en armas en aquella fecha, sino que á la par determinaba el ánimo de los que iban a emprender el camino de la rebelión desembarcando en las costas de Cuba, porque seguramente que sin la absoluta confianza en su adhesión y eficacia no se habrian arriesgado á salir de Cayo Hueso como pretendian, ante el temor de que faltasen algunas de las precauciones cuidadosamente impuestas por el documento trascrito en el cuarto resultando.

Quinto Considerando que del cumplimiento del auxilio culpable de Someillán es prueba inequivoca el telegrama dirigido desde la Habana á Cayo Hueso en dos de Julio indicando la conveniencia del aplazamiento de la expedición, obra probablemente del acusado, puesto que á otro Someillán se dirige, pero aunque asi no fuera, bastaria el recibo y trasmisión del primer despacho para que su culpabilidad pudiera definirse con acierto y con justicia, como auxiliar criminal de la insurrección, porque cada grupo armado constituye igual violento ataque á la soberania de España, y Someillán promovió y determinó al núcleo insurrecto de Cayo Hueso con la cooperación ofrecida y cumplida á engrosar las filas de los rebeldes lo cual bajo otro aspecto constituye un acto de cierto y positivo sostenimiento de la insurrección en general.

Sexto Considerando que la prueba de descargo de D. Luis Someillán y Azpeitia presenta tres fases perfectamente distintas utilizadas sucesivamente por la desconfianza natural del que falta á la verdad, y con el fin de que la deficiencia de la una recibiera el apoyo y la fuerza de la siguiente; y asi se nota, que cuando su negativa sobre el recibo del telegrama de los conjurados de Cayo Hueso se ve contradicha por la terminante declaración de Diaz, intenta demostrar con sus familiares la imposibilidad en que estuvo de abandonar la casa el dia treinta; y temeroso con razón de la debilidad é ineficacia de esta prueba, llega hasta inducir en su beneficio á que implicitamente se declare reo de rebelión D. José Someillán, que se encuentra fuera del alcance de los tribunales españoles, pruebas todas que conviene analizar cuidadosa y detenidamente.

Septimo Considerando, que aun hecha abstracción del lazo de parentesco que une á Someillán con doña Teresa Casanova y con sus hijos, y esto por si solo constituiria un motivo racional para sospechar de la verdad de lo que dijeron; prescindiendo también de la intimidad que entre ellos establece la vida en común, es tal el desacuerdo que en sus declaraciones se advierte sobre puntos esenciales, que pierden [illegible] bilidad, pues si [illegible]

culo 79, haciendo aplicación de la menor por no concurrir circunstancias agravantes.

Décimotercero. Considerando, que el pago de costas es responsabilidad inherente á la criminal.

Vistos los artículos 1 — 26 — 53 — 237 —nº 1º — 238 — y demás de aplicación general: Fallamos que debemos condenar y condenamos á D. Luis Someillán y Azpeitia á la pena de CADENA PERPETUA, accesorias de interdicción civil, sujeción á la vigilancia de la autoridad durante su vida y, para caso de indulto de la pena principal, la de inhabilitación perpetua absoluta y sujeción á la vigilancia de la autoridad por el tiempo de su vida, si no se hubieren remitido estas penas accesorias en el indulto, y al pago de las costas.

Así por esta nuestra sentencia lo pronunciamos, mandamos y firmamos.—Federico Enjuto, Ricardo Maya, Juan Valdés Pagés, Francisco Noval y Martí, José Novo.

Leida y publicada fué la anterior sentencia por el señor magistrado ponente en audiencia pública del dia de su fecha. —Certifico.—Habana 14 de enero de 1897. —El Secretario de Sala, Lcdo. José L. Odoardo.

mento de que no resultaba bien y debidamente comprobado el delito por más que hubiera motivos racionales para sospechar de la conducta de los tres procesados.

Cuarto. Resultando probado que, en los primeros días de Julio se ocupó á un prisionero de guerra por fuerzas del Ejército á las órdenes del coronel D. Guillermo Tort, el siguiente documento que ocupa el folio 184.—Instrucciones que deben observarse para el buen éxito de la expedición: A mi salida de Nueva York ó Cayo Hueso, pondré un telegrama á la persona que me indique el C. delegado de Hacienda de la Habana. Al segundo día de mi salida y por si el primer telegrama hubiese sufrido estravío ó demora, ordenaré telegrafiar lo mismo á otra persona que también me indicará el C. Delegado de Hacienda. La fórmula de éste será «Matilde se casa tal cual día». Cuando llegue el telegrama á manos del C. Delegado, éste lo pondrá en conocimiento del C. Mayor General Jefe de la provincia y del C. comandante Ramón Mentero; el C. Mayor General Aguirre mandará al lugar de la cita y á las ordenes del C. comandante Montero, dos escuadrones que deberán llegar á éste al oscurecer del dia señalado para el desembarque. Uno de los escuadrones deberá colocarse emboscado en el lugar ya convenido con el C. comandante Montero y el otro escuadrón acampará en la playa y estará dispuesto para el desalijo. Deberán llevarse ocho mulos ó caballos con sus aparejos y serones correspondientes para trasportar aquellas mercancías que por su volúmen sean difíciles de llevar por delante. Una vez en la playa, se colocarán tres centinelas en un risco á cincuenta metros de elevación, los cuales encenderán (3) *tres* hachones á dos varas uno de otro, dejándolos encendidos hasta que se consuman. Cada hora y hasta que estemos á la vista, repetirán esta misma operación para tener la seguridad nosotros de que no hay novedad en tierra y que nos están esperando. En caso de que, desde la costa se divisen luces de vapores ó cañoneros, esperarán los centinelas hasta que desaparezcan éstos para hacer las señales. Nuestro barco no traerá luces, así es que no podrá apercibirse hasta que esté muy cerca de tierra. En caso de que para mi regreso hayan fortificado la playa ó merodeen por esos contornos tropas españolas que impidan á las nuestras acercarse á la costa, el C. comandante Montero elegirá otro punto en la misma y desde éste me hara las señales convenidas para dirigir hacia estas la embarcación. En caso de mal tiempo y que á la vista esté la imposibilidad de desembarcar la noche de la cita, se harán las señales la siguiente noche y todas las consecutivas hasta que el tiempo permita el desembarco. Sin que yo vea los tres (3) hachones encendidos cada hora como tengo advertido, no dirigiré la embarcación á tierra. Por ningún concepto se me harán las señales convenidas, si no están en la playa nuestras fuerzas para proteger la expedición. Solo siguiendo mis instrucciones al pié de la letra, me haré responsable de lo que pueda sucedernos y garantizaré el éxito de la empresa; de lo contrario, quiero que conste, quedo exento de toda responsabilidad. P. y L. en campaña, Junio diez y seis de mil ochocientos noventa y seis.—El Comandante Jefe de E. M., S. de Castroverde—Al C. Delegado de Hacienda—José María Bolaños.

Quinto. Resultando probado que en veinte y nueve de Junio se recibió en la estación del Cable, el siguiente telegrama: Cayo Hueso—recibido en la Habana en Junio 29—Someillán. Habana.—Diga Alfredo avise José María Matilde se casa jueves, conteste si asistirá. —Clark.—Cuyo despacho fué llevado al escritorio de Someillán y Cª por el ordenanza del cable don José Pereira que lo devolvió al centro telegráfico por estar cerrada la oficina del destinatario, haciéndolo así constar al respaldo del recibo; pero poco después lo llevó de nuevo el otro ordenanza don Pedro González Brey, y éste logró que lo recibiera, firmara el recibo y abonara su importe don Manuel Diaz Armesto criado del doctor americano Burguess, que tiene también su escritorio en la misma casa, y quedó encargado de entregarlo á Someillán guardándolo mientras tanto dicho Diaz en su propia habición.

Sexto. Resultando probado que al día siguiente treinta, cuando don Luis Someillán llegó á su despacho le entregó personalmente Diaz Armesto ese telegrama siendo el único por él entregado en el tiempo que allí lleva al servicio del doctor Burguess.

Séptimo. Resultando que el procesado negó tener relaciones revolucionarias con los insurrectos armados ni con la Junta de Cayo Hueso y haber recibido ese telegrama aunque otros le ha entregado alguna vez Diaz Armesto; que no conoce al firmante Clark ni el asunto de que se habla

Joaquín Vidal y Casanova, de diez y [illegible] años de edad cuya declaración refirió en el juicio oral y dijo que el treinta de junio fué al escritorio de su tio, porque éste estaba enfermo y no podia ir, con amplios poderes para todo lo que ocurriera no obstante estar allí el dependiente don José Larocha y habiendo llegado un tal Pepe á quien conoce de vista, en busca de un telegrama que para él debia haberse recibido, buscó y encontró en efecto dentro de la carpeta un cable cerrado, dirigido "Someillán" que entregó al Pepe porque dicho individuo afirmaba que era para él: lo abrio, léyó y dijo que era precisamente el que él buscaba y se marchó.

Décimo sexto. Resultando, que con el escrito de conclusiones de la defensa se presentó un Acta extendida por el Notario de Key West Don Ramón Alvarez, que contiene declaraciones de don José Someillán de haber estado en la Habana en el mes de Junio y dado orden de que su correspondencia le fuera dirigida al escritorio de los señores Someillán; y que el treinta de Junio fué á dicha oficina y preguntó al dependiente Joaquín Vidal si habia algo para él, contestándole éste que habia un telegrama con la dirección «Someillán», que no sabia si seria para el dueño que no habia llegado todavia; y que el compareciente, ansioso de recibir las noticias que esperaba, lo abrió y se lo llevó porque era en efecto para él.

Décimo septimo. Resultando que el señor Fiscal refirió los hechos del siguiente modo: Primera, que don Luis Someillán y Azpeitia, mayor de edad, natural de la Habana con residencia y domicilio en la misma y ciudadano de los Estados Unidos del Norte América, por la carta de naturalización de fecha veintitres de Noviembre de mil ochocientos setenta y seis, como agente de la Junta Revolucionaria de esta Isla, puesto de acuerdo con el Comité de Cayo-Hueso y en combinación con los caudillos principales de la rebelión alzada públicamente en abierta hostilidad contra el Gobierno al objeto de proclamar la independencia de esta Isla, con el propósito de secundar el movimiento revolucionario, recibió en los últimos dias del mes de Junio pasado un cablegrama fechado en Cayo Hueso en veintinueve del mismo mes dirigido á su nombre, del que aparece remitente un sujeto que se firma Clark; cablegrama que guarda estrecha relación con unas instrucciones que fueron ocupadas á un prisionero de guerra, y en las cuales se desarrolla un plan concertado con antelación, para el desembarco en las costas de Cuba de una expedición organizada en Cayo Hueso; y calificó esos hechos de un delito de rebelión previsto en el número primero del artículo doscientos treinta y siete castigado en el doscientos treinta y ocho, del cual acusó como autor á don Luis Someillán y Azpeitia, sin circunstancias genéricas apreciables y pidió que se le impusiera la pena de cadena perpétua, accesorias y pago de costas.

Décimo octavo. Resultando que la defensa del procesado estimó probado: que con fecha veinte y nueve de Junio último, y en ocasión de hallarse enfermo y recogido en su casa don Luis Someillán y Azpeitia, comerciante con residencia en esta ciudad y escritorio en Obispo número 21, se recibió un telegrama de Key West dirigido á "Someillan" Habana, el cual fué devuelto á las oficinas del cable por el ordenanza de telégrafos que lo llevara á su destino, con la nota de devolverse "por estar cerrado el escritorio y no haber quien lo recibiera."

Que con posterioridad dicho telegrama se entregó por el ordenanza de telégrafos á don Manuel Diaz, el cual firma el recibo del mismo y lo depositó como acostumbraba hacerlo, con todos los periódicos y cartas que llegaban en dias festivos sobre la carpeta del escritorio de Someillán.

El dia 30, aún enfermo Someillán, don José Someillán, de transito en esta ciudad, recibió de don Joaquín Vidal, á quien se lo pidió el telegrama en cuestión, abriéndolo, leyéndolo y ausentándose con él por haber manifestado á Vidal que era para él.

Dicho telegrama, que según la relación de hechos contenida en la correlativa de este número guarda estrecha relación con unas instrucciones que fueron ocupadas á un prisionero de Guerra y en las que se desarrolla un plan concertado con antelación para el desembarco en las costas de Cuba de una expedición organizada en Key West, no tiene que ver absolutamente nada con don Luis Someillán Azpeitia, que ni lo recibió ni de él tenía noticias, no se ha probado en modo alguno, como se afirma, que fuera agente de la Junta Revolucionaria de esta Isla, que estuviera de acuerdo con el Comité de Key West y en combinación con los principales caudillos de la rebelión alzada publicamente contra el Gobierno, al objeto de proclamar la independencia de esta isla, y pidió

tradicha por la terminante declaración de Diaz, intenta demostrar con sus familiares la imposibilidad en que estuvo de abandonar la casa el dia treinta; y temeroso con razón de la debilidad é ineficacia de esta prueba, llega hasta inducir en su beneficio á que implicitamente se declare reo de rebelión D. José Someillán, que se encuentra fuera del alcance de los tribunales españoles, pruebas todas que conviene analizar cuidadosa y detenidamente.

Septimo Considerando, que aun hecha abstracción del lazo de parentesco que une á Someillán con doña Teresa Casanova y con sus hijos, y esto por si solo constituiría un motivo racional para sospechar de la verdad de lo que dijeron; prescindiendo también de la intimidad que entre ellos establece la vida en común, es tal el desacuerdo que en sus declaraciones se advierte sobre puntos esenciales, que pierden sus dichos toda credibilidad, pues al paso que D. Onofre supone que el acusado pasó en la cama los dias veinte y ocho, veinte y nueve y treinta de Junio, su madre dijo que solo estuvo recogido en su cuarto y el D. Luis refiere en términos de duda y como de vago recuerdo, que su tio Someillán, según oyó decir, estaba acatarrado, pero que lo veia por las noches. De tal manera que si los miembros de la propia familia no están de acuerdo sobre la importancia de la indisposición ni de las precauciones que el enfermo adoptó para recuperar la salud, se destruye por si misma toda la prueba aducida para demostrar que D. Luis Someillán no podia salir ni salió de su casa el treinta de Junio, que era el fin á que esta prueba tendia.

Octavo Considerando que lo único probado de este punto se reduce á que D. Luis Someillán sufria de una afección catarral el veinte y ocho de Junio lo cual no obsta para que el treinta, mejorado ya, asistiera á su escritorio, y recibiera el telegrama entregado por Diaz, porque si D. Joaquín Gonzalez le vió en su casa durante las primeras horas del dia, pudo asistir después á su despacho ya que Diaz Armesto no ha precisado que fuera por la mañana cuando entregó el cable, sino que de él le hizo entrega en cuanto llegó.

Noveno. Considerando que la declaración tardiamente traida al proceso, del joven D. Joaquin Vidal, deberia ser integrada y confirmada por la notarial que en Key West prestó D. José Someillán, pero de su comparación se advierte que una y otra se destruyen, demostrando que ambas faltaron á la verdad, porque si Vidal iba al escritorio, no obstante estar allí el dependiente D. José Laroche con amplios poderes de su tio y porque éste no podia asistir, mal concuerda esta razón con lo manifestado á D. José Someillán de que el dueño ó principal no habia llegado todavia, lo cual implica que debia llegar de un momento á otro; ni es racional admitir que el D. Joaquín entregara á Someillán, á quien solo conocia por Pepe, un telegrama dirigido á Someillán, siendo de notar y señalar que una tan importante declaración viniera á la causa al mes de incoada, cuando el testigo que habia de prestarla vivia en la propia casa del acusado, todo lo cual revela el amaño y la falsedad de esta prueba de exculpación.

Décimo. Considerando que, falsas por manera evidente esas pruebas, su misma falsedad constituye un elemento perjudicial al acusado, porque tales medios de descargo no se utilizaron jamás por el inocente, y á ellos acude con lamentable frecuencia el que, convencido de su culpa y aún á riesgo de la inutilidad del amaño, lo emplea para eludir el castigo á que se hizo acreedor:

Onceno. Considerando, que si el doce de julio se remitió de Cayo Hueso á la Habana el telegrama contenido en el resultando catorce, con la dirección y el domicilio supuesto de Alfredo Gómez, conviene hacer constar que en ese dia era conocido en la Isla y fuera de ella la detención de D. Luis Someillán, y semejante cable, sin objeto alguno, pues que no habia de llegar á su destino, más parece transmitido para desviar la investigación de estos tribunales y para apartar en lo posible las responsabilidades derivadas, en contra del acusado, de los documentos ocupados:

Duodécimo, Considerando que, probada, pues, la culpa de D. Luis Someillán y Azpeitia en concepto de haber promovido, determinado y sostenido la rebelión para lograr la independencia de la Isla de Cuba, la penalidad aplicable es la que determina el artículo doscientos treinta y ocho del Código, porque en él se establece la de cadena perpetua á muerte para los que, induciendo y determinando á los rebeldes, promovieren ó sostuvieren la rebelión; pena que debe imponerse conforme al arti-

culo 79, haciendo aplicación de la menor por no concurrir circunstancias agravantes.

Décimotercero. Considerando, que el pago de costas es responsabilidad inherente á la criminal.

Vistos los artículos 1 — 26 — 53 — 237 —nº 1º — 238 — y demás de aplicación general: Fallamos que debemos condenar y condenamos á D. Luis Someillán y Azpeitia á la pena de CADENA PERPETUA, accesorias de interdicción civil, sujeción á la vigilancia de la autoridad durante su vida y, para caso de indulto de la pena principal, la de inhabilitación perpetua absoluta y sujeción á la vigilancia de la autoridad por el tiempo de su vida, si no se hubieren remitido estas penas accesorias en el indulto, y al pago de las costas.

Así por esta nuestra sentencia lo pronunciamos, mandamos y firmamos.—Federico Enjuto, Ricardo Maya, Juan Valdés Pagés, Francisco Noval y Martí, José Novo.

Leída y publicada fué la anterior sentencia por el señor magistrado ponente en audiencia pública del día de su fecha. —Certifico.—Habana 14 de enero de 1897. —El Secretario de Sala, Lcdo. José L. Odoardo.

From "La Lucha," (The Struggle) Havana, January 9th., 1897.

The Courts.

The Trial of Soueillán.

The Opening Session.—Consul Lee.—Castroverde has Surrendered.—The Evidence.—Confrontations.—The Witnesses.

The following officers were present:—Señor Don Federico Enjuto, Presiding Judge of the Criminal Court; Judges Ricardo Maya, Juan Valdés Pagés,

Francisco Noval y Martí
and José Novo y García,
the latter sitting pro tem.

Attorney for the Crown:
Don Joaquin Vidal y
Gómez.

Counsel for the Defense:
The Licentiate Don Antonio
Mesa y Dominguez,
together with the Attorney
Don Nicolás Sterling y
Varona.

Clerk of the Court:-
The Licentiate Don José
Lorenzo Odoardo.

Mr. Odoardo was ac-
companied by Mr. Valdés
Faulí, an officer of the
Court.

Magistrates, Government attorneys, and lawyers in the arm-chairs of the court-room.

Judge Carlos Eugenio Ortiz y Coffigny, who had organized the trial, was also present.

A large audience filled the court-room.

In the door-way of the cloak-room, we saw General Lee, Consul General of the United States, for whom Mr. Brysson (Bryson?) correspondent of the Journal, acted as interpreter.

The prisoner, Don Luis

Someillán y Azpeitia, entered the room. He had handcuffs on his wrists, and was led by two guards of the Public Prison, in which he is confined.

The Documentary Evidence.

The session was opened by Presiding Judge Enjuto, and Mr. Odoardo, the Clerk, thereupon read the documentary evidence which is already known to our readers.

It appears therefrom that the rebel leader Salvador de Castroverde, who signed the instructions dated

June 16th., and not July 16th., as ~~it~~ erroneously appeared in the copy which we published yesterday, has surrendered to the authorities.

Castroverde, who has been annestied, is now in New York.

Someillán speaks.

The prisoner stood up for examination.

Someillán is a man 56 years of age, rather short, stout, of dark complexion, closely shaven, and looks like a priest.

He was dressed in black,

and appeared calm and self-possessed.

He readily answered the questions addressed to him by the Attorney for the Crown.

He said that he was a widower with two children, Luis and Josefina, and that he was a commission merchant by occupation.

He has been brought to trial before, for rebellion, together with his son, Don Luis Somellán Tidal and Don Marcos Rodriguez Molina, on which occasion the proceedings

were provisionally quashed.

The Attorney for the Crown put the following questions to him, among others:

Q.- Had you many mercantile relations with Key West?

Ans.- Yes sir; with Messrs. E. H. Gato, José Toledo, Cordero Bros., Cayetano Soria and others.

Q.- And with New York?

A.- With New York also.

Q. And when those gentlemen sent you an order, did they send it to you direct by cable, or by letter, from New York or Key

West?

A.- Orders were sent me both by telegraph and by letter to ship tobacco, fruits, provisions, etc. If there was no hurry, the orders were sent by letter. If haste was necessary, they came by telegraph.

Q.- Did you say, on the occasion of the preliminary examination, that you returned some telegrams?

A.- Yes, sir; some that were not for me, but for another Someillán.

Q.- Were you not in your office on the 29th. of June?

A.- No sir. On the 27th. I

was taken sick and went to bed, and did not return to my business until the 1st day of July.

Q.- What papers were handed to you?

A.- None.

Q.- And with whom did you speak of your views concerning the insurrection?

A.- With no one, because, as I am a citizen of a foreign country, there was no reason why I should meddle with things that did not concern me.

Q.- Your view was correct. So that you did not speak of the present hap-

penings, even out of curiosity?

A.- No sir.

Q.- Do you not know Don Alfredo Gómez, who resides at no. 76 Lamparilla street?

A.- I do not.

Q.- Have you had no acquaintance in Lamparilla street, and no friends there?

A.- None whatever in Lamparilla street. (Laughter among the audience)

The Presiding Judge: Order; be quiet.

Q.- Do you know Clark?

A.- I do not.

Presiding Judge Enjuto then put the following questions to the prisoner:

2. Where did you reside in the year '76?

A.- At Key West.

2.- Where were you after that?

A.- Traveling in the United States and elsewhere.

Judge Enjuto then ordered the Clark telegram to be shown to the accused.

Somellán denied that he had received it, and said that that telegram was for his nephew José

Someillán, to whom Joaquin Vidal, the clerk (also a nephew of the prisoner) had delivered it.

Testimony of Don Antonio Romero.

The first witness called was Don Antonio Romero Rodriguez, a native of Coruna, a merchant, residing at no. 10 Obrapia street, alcalde of the ward known as Templete.

Question by the Attorney for the Crown.- What information have you, as a public officer, received with regard to Don Luis Someillán, and what is

your opinion concerning him?

Ans.- Unfavorable. The general opinion concerning him is that he is disaffected towards Spain, and that he is a separatist, etc.

Soncillán (interrupting).- Will Your Honor allow me?

The Presiding Judge:- You shall speak at the proper time. Witness, answer the counsel for the defense.

Counsel for the defense: When were you appointed ward alcalde?

A.- In June, 1896.

Counsel for the defense: Then,

when did you first receive the information that Somellán was a separatist?

A.- Soon after entering upon the discharge of my duties as alcalde.

Counsel for the defense; You received the news soon, did you? And how was it that you did nothing, and did not bring your information to the knowledge of the authorities?

A.- I received an order from the Cathedral Court to make inquiry among the neighbors,

which I did, and I prepared a report.

The Presiding Judge.- Can you not state what persons furnished the information to you?

A.- I took no note of the persons, but of the rumor.

The witness then retired.

Tomeillán.- I requested Your Honor to allow me to speak.

The Presiding Judge.- You shall speak at the proper time.

Don Santiago González,
Of Orense, 38 years
of age, a clerk, has known
Someillán for seven or eight
years, and knows that
he was said to be an
agent of the revolution.
He said that he had
no knowledge of any facts
that proved this rumor,
and that he did not re-
member who had told
it to him. He also said
that the Clerk of the
Alcaldía del Cristo had
told him that Someillán had
identified (represented?) a suspicious
person, with an assumed
name, which person was

under arrest, Somcillán being brought to trial for this reason.

Don Salvador Soler

Has been a police vigilante since the year 1868; is an agent of the Inspector of Templete, 59 years of age, and from Orense.

Inspector Fernandez ordered him to watch Somcillán, and witness saw many people enter every day who seemed to him suspicious, for he heard that the greater part of those who did so were disaffect-

ed towards Spain.

Counsel for the defense.- Will the witness state whether he knows whether there is another office in the same building, in which Mr. Soncillán's office is.

A.- Yes, that of Dr. Burgess, the physician of the American Government.

Counsel for the defense:- And do not many persons, who are going to leave Cuba, go in there to see Dr. Burgess, in order to get their certificates from him?

A.- Yes sir.

The Attorney for the Crown (to the Presiding Judge.) Your Honor, the way in which the Counsel for the defense puts his question is suggestive. In other words, he asks a leading question.

The Presiding Judge. — Counsel will put his questions in such a way that they do not suggest the answers.

Don José Suarez Iglesias.

Of Avilés; resides at no. 7 Obispo street. Knows Somcillán by sight.

The Attorney for the Crown: — What

was your opinion of the prisoner?

A.- My opinion of him was good. Still, it was said, whether he was a separatist or not, that many suspicious persons were seen to visit his house.

Council for the defense.- And did not many persons go there to consult Dr. Burgess?

A.- Yes, those who went to be matriculated at the office of that American doctor.

The Presiding Judge.- Can you not state what persons spoke of Mr. Lomeillan in that way?

A.- No sir. I heard it in the café.

The Presiding Judge.- So, then, you got your information from conversations heard by you in the café?

A.- Yes sir.

Miguel Rodriguez.

44 years of age, a native of Asturias. Resides at no. 23 Obispo street.

Has known Soucillan for eight years, and knows nothing to his discredit.

Thinks that, in politics, he is opposed to the Spanish Government.

Ignacio Anca Rivera,

Of Corunna, 34 years of age; resides at no. 17 Obispo street.

The Attorney for the Crown. - What is your opinion of Somcillán?

A. - My opinion of him is good.

The Attorney for the Crown. - What do you know of his political course?

A. - They say that he recruited men for the insurrection, and that he was a conspirator, but I know nothing about that.

Juan Pol y Leal,

a native of Galicia, 49 years of age, and a resident of Obispo st., no. 15.

He said that he knew the accused by sight, and that, ever since he was arrested, he (witness) had heard that Someillán was unfriendly to the Spaniards and disaffected.

Colonel Tort.

Col. Guillermo Tort was unable to appear for the purpose of giving his testimony, being engaged in attending to important busi-

ness connected with the service.

He was excused.

Telegraph Messengers.

Three telegraph messengers gave their testimony.

Pedro González, one of said messengers, testified that he carried two telegrams to no. 21 Obispo st. He did not specify the date or the address, but said that he had delivered them to a clerk.

The next witness called was Manuel Diaz Armesto, a servant of Dr. Burgess, and not of Someillán.

He said that González, the preceding witness, handed him that telegram on Sunday, and that on Monday he (witness) had given it to Someillán, which statement was denied by the latter. The prisoner and Dr. Burgess's servant were then confronted with each other, but each adhered to the statement which he had previously made, Someillán declaring that he was not at his office on that day, being confined to his house by illness, and the servant maintaining that Someillán had received the telegram

from his hands.

There is a contradiction here. The messenger that he delivered the telegram on the 27th. of June, and the 29th. of June was Monday.

According to the messenger's statement, Sunday was not the day on which the servant received the telegram in question.

The defense took note of this contradiction.

The other telegraph messengers stated that they had also carried telegrams, received by cable, to Somellán, but were unable to specify

the dates.

Don Ramon Dopazo,

Of the firm of Salmonte & Dopazo, doing business in the basement of the building in which Mr. Someillán's office is.

Mr. Dopazo is a native of Corunna, 34 years of age. He has known Someillán for 12 years, and says that he has heard him make no statements of a political nature.

The Attorney for the Crown—Have you not heard it said

in your neighborhood that Someillán was disaffected towards Spain?

A. That was said; but, as he is an American citizen, he has renounced his Spanish citizenship.

The Attorney for the Crown:- Have you received any gift from Mr. Someillán?

A.- No sir.

Don Luis Urgell,

Of Barcelona, a barber, 52 years of age.

He has shaved Someillán for some time, and says that that gentleman never wore a mustache, but that he did wear whiskers, al-

though he (witness) shaved them off for him more than a year ago.

The Attorney for the Crown decided to ask this witness no more questions, and said: I don't care whether he wore a mustache or a goatee.

Don Bernardo León,

Another barber. I don't want him, said Mr. Mesa, because what he (the barber) proposed to prove was whether Mr. Somellán had worn a mustache or not.

Other witnesses.

The following witnesses al-

so gave their testimony: Doña Teresa Casanova, widow of Vidal, and a relative of Someillán; Miss María Josefa Coppinger, and a young man named Luis Vidal y Casanova. These witnesses agreed in stating that, on the 28th., 29th. and 30th. of June, Someillán was confined to his bed at his house, no. 46 Concordia st., with a severe cold.

The court adjourned at half past four until today at one o'clock. — Arnauto.

From La Lucha, Havana,

January 11th, 1897.

The Courts.

The Trial of Sonceillán.

Second session. — The evidence concluded. - Vidal as Attorney for the Crown. - The Law of Fear. - A Brilliant Argument.
(Continuation of the Trial.)

The Court met again at ten minutes before one o'clock. The Attorney for the Crown, the Counsel for the Defense and his as-

sistant took their places, and the prisoner, Don Luis Somellán y Azpeitia, entered the court-room.

Gentlemen lawyers! shouted a constable.

And an avalanche of legal gentlemen rushed through the doors of the court-room.

Gentlemen of the press! next cried the same constable.

And another avalanche of professional and amateur journalists took by storm the table set apart for the press.

The public! The court will now resume its session!

announced the same constable.

And a large crowd of men entered, of all ages, races and places of origin, each one wishing to get the best place, without showing any disrespect to the court or the court officers, who constantly kept trying to restore order by shouting:

Silence in the court!

They were about to hear the argument of Mr. Vidal, whose presence as Attorney for the Crown has awakened great interest, and lent greater importance to court proceedings ever since his

famous speech on the occasion of the Sanguily trial. It was, therefore, very natural that there should be a larger audience and greater curiosity than in the opening session.

Don Joaquin Vidal.

Judge Enjuto, presiding, ordered Don Joaquin Vidal Casanova to be brought in as a witness. This young gentleman is a resident of Havana, 18 years of age, and a nephew by marriage of Somellán, the accused.

The Counsel for the defense.-
Do you live at Mr. Someillán's
house?

Ans.- Yes sir, at no. 46 Con-
cordia street.

Counsel.- Did you take
a prescription written by
Dr. Rodriguez Parra to
Dr. Rodriguez Feo's drug
store?

A.- Yes sir.

Witness said that that
prescription was for
his uncle, the prisoner So-
meillán, who was confined
to his house on the 28th.,
29th. and 30th., with a se-
vere cold.

In reply to questions by
the Attorney for the Crown,

he said that on the 29th he went to his uncle's office to see if there were any messages or letters for him, but he found nothing. Dr. Burgess's servant gave him the key of the office.

On the 30th he returned, his uncle having told him to take charge of the office during his illness, and a man named Joe, (Pepe) who, according to the Counsel for the defence, is Don José (Joseph) Somellán, asked him if there was any letter or cable message for him.

The Attorney for the Crown - What did you do?

A. - To avoid the trouble of searching, I told him at first that there was nothing for him. Seeing, however, that he was very much in earnest, I rummaged among the papers and found a telegram containing the address: "Sonceillán, Havana."

The Attorney for the Crown - Did you know that Joe?

A. - He frequently came to the office when Sonceillán's son was there, and said that he was a relative of the Sonceillán's.

The Attorney for the Crown.- And did you deliver the telegram to that Joe open or closed?

A.- Closed.

The Attorney for the Crown.- Were you a clerk or manager for Mr. Someillán, or what were you?

A.- I sometimes helped him in his office.

The Attorney for the Crown.- And did you help him in all the matters to which Mr. Someillán attended?

A.- No sir. I am a student in the University, and when I got out of school I went to the office, and there I studied or assisted in

anything in which Mr. Somcillán asked me to assist.

The Attorney for the Crown.- Does Mr. Somcillán pay for your tuition?

A.- No sir, my mother pays for it.

The Attorney for the Crown.- State, if you please, in what operations, in what business transactions, in what mercantile affairs you have taken part for Mr. Somcillán.

A.- I do not remember now; but the business that I did was connected with Mr. Somcillán's commercial house.

The Attorney for the Crown.- How long have you known that Joe?

A.- Ever since Tourcillan's son has been engaged in his father's office.

The Attorney for the Crown.- How was it that you gave him that telegram, and how did you know it was for him?

A.- Because he showed so much ~~interest~~ eagerness in asking me to look for it.

The Attorney for the Crown.- And how did you know that Joe was interested in that telegram?

A.- By the earnestness with

which he asked me to look for it.

The Attorney for the Crown.- And had Joe previously received other telegrams from you?

A.- No sir.

The Attorney for the Crown.- What countersign did Mr. Somcillán's use house, in order to give you to understand that that telegram was for Joe, and not for Mr. Somcillán?

A.- I knew it because it was not addressed to Somcillán and Company, but simply to Somcillán.

The Attorney for the Crown.- And were all telegrams that were addressed simply

to Somcillán, for Joe, and not for Somcillán, the prisoner?

A.- I don't know.

A coincidence.- This witness, who was subjected to a very careful examination by the Attorney for the Crown, bears the name of Joaquin Vidal. And the name of the Attorney for the Crown is likewise Joaquin Vidal.

The witness is a brother of Don Luis and Don Onofre Vidal, who were also summoned as witnesses in this case.

The Vidal who gave

his testimony in the first session is Onofre, and not Luis, the latter being in New York.

Don Félix Govín,

Of Matanzas, 52 years of age.

This witness said that he knew the accused because he (witness) frequently visited the house of Doña Teresa Casanova, where Mr. Soucillan lived, and he knew that the prisoner was ill on the 27th., 28th., 29th. and 30th., being attended by Dr. Larra.

The Attorney for the Crown.- What did you say is your name?

A.- Felix Govin y Dominguez.

The Attorney for the Crown.- You are Govin. Did you not testify in Mr. Somellán's former trial.

A.- No sir.

The Attorney for the Crown.- Have you received no gift from Mr. Somellán?

A.- No sir.

Don Juan Sixto Coppinger,

Father of Miss Maria Josefa Coppingers, with whom he visited at the house of Somellán in the latter part of June, and knew that Somellán

meillán was ill on the 29th. and 30th. of that month. He has known Someillán for four or five years.

The Attorney for the Crown.- Have you received any gift from Mr. Someillán?

A. Yes sir, that of his valued friendship.

Dr. Antonio Rodriguez Parra,

Forty-six years of age, of Havana, the physician of Someillan, whom he attended in the latter part of June, his patient having an attack of catarrhal influenza.

The Attorney for the Crown. - Did you forbid Mr. Somcillán to leave the house while that attack of influenza lasted?

A. - Forbid him? No sir. But if he had gone out he would have run the risk, in view of his age, of getting worse.

The Attorney for the Crown. - What is the nature of your friendship with Mr. Somcillán, and what favors have you received from him?

A. - Outside of the relations between a physician and his patient I

have no friendship with Mr. Someillán, and I have received no favors from him.

Dr. Joaquin Rodriguez Feo, Of Matanzas, 45 years of age, and keeper of the drug-store at no. 22 Prado street.

Witness recognized a prescription written by Dr. Parra, and said that Joaquin Vidal came to get it filled for Mr. Someillán, who was sick.

The Attorney for the Crown.— And how do you know that the person who brought that prescription to your store

was named Joaquin Vidal?

A.- Because his mother is a cousin of mine.

The Attorney for the Crown.- So that you too are a member of the family. And have you received no gift or favor from Mr. Someillan?

A.- None whatever.

Don Joaquin González, Of Bejucal, 56 years of age.

Witness had dealings, in fruits and vegetables, with Someillan's house. He called at Someillan's office on the 29th. of June on urgent business relative to a shipment

of fruits, etc., but was obliged to go to his residence, as he was sick.

The Attorney for the Crown.- Have you received any gift from Mr. Somcillán?

A.- None whatever. My relations with him were of a business nature only.

This closed the testimony of the witnesses, and the Attorney for the Crown requested the Presiding Judge to adjourn the Court for five minutes, so that he might have a little time for rest.

It was then 25 minutes past one.

Before the Argument.

During the five minutes' adjournment of the Court, the audience remained in the court-room.

The whispering began. Some said that, although the Attorney for the Crown had not asked for the adjournment in order that he might modify his argument, he would nevertheless do so, because the evidence showed nothing against Somcillas. And they smiled with satisfaction, not unmixed with malice. Undoubtedly they were concerned in the

trial in some suspicious way. Others appeared disappointed. They too fancied that they saw Someillán out of the clutches of the law, but they were the ones who had heard that Someillán belonged to a band of conspirators, and they who believed that were the men who had observed the going and coming of disaffected persons to Someillán's office, and those who presumed that his office was visited by such persons. They were, in short, those who considered the prison-

er as an enemy to the national cause.

Suddenly the whispering ceased. The Judges, the Attorney for the Crown, the Counsel for the defense, all resumed their places. It was a quarter before two in the afternoon. A prominent Spanish lawyer was about to present his argument against Someillán.

The Argument.

As Mr. Vidal y Gomez proceeded with his argument, his face, full of sympathetic severity, became

lighted up with the tones of his inspired speech, and Soucillán's form assumed the proportions which the Attorney for the Crown sought to give them, and the latter, absorbed in the performance of his duties as prosecutor, resolutely closed the door to all doubt.

On evidence consisting of mere allusions, of apparently insignificant details, on telegrams which, without a key, appeared innocent at first sight, the Attorney for the Crown seeking, made his argument, with

all the brilliancy of his eloquence, to secure the legitimate triumph of the law. In doing this, he did not utter one useless word, but forcibly described to the Court not the Soucillán who was visible there, but the man who, in his judgment, was enclosed in that man.

He began by asking the Court to accept the facts as proved, and to sentence Soucillán to imprisonment in chains for life for the crime of rebellion.

He spoke very nearly as follows: The echoes of

other proceedings, similar to those which are now being held, still resound in this court-room. They are very similar, although the extremes are divergent. There, as here, the drama is the same. The dénouement is of the same nature. In its development the stab given to our country is felt, a stab caused by ingratitude and supported by perfidy. There was one who was our enemy, but who exposed his life as does the soldier on the field of battle. Here is

one who serves the cause with his imagination.

In Sanguily, added Mr. Vidal, we see the enthusiasm of the sectarian, the fanaticism of the politician, the rebel who arrogantly answers: "I am what I was, and you see what I am!" With the habits that are acquired by service in the field, he was preparing to do battle again. In Somellan we see the plotter of the city, who, in this case, is an old man who, without strength to fight, conspires in the dark and

disavows his real sentiments. This prisoner did not fight, he intrigued in secret. As the finale of the drama, the same severe punishment for Sanguily and for Somellán.

The Law of Fear.

We live in an age of opinion, said Mr. Vidal, and therefore we must take heed of everything that is the object of public attention. The press has published the demand of the Council for the defense, viz. that this Court should be com-

posed of six magistrates, according to the law of 1821.

And I propose to prove, not to the Court, for that does not need it, but to the audience, to the island of Cuba and to all Spain, that this Court is organized in a strictly legal manner, and that no treaty has been violated.

Mr. Vidal here spoke of that famous law of 1821, known as the law of fear. (That law was enacted during one of the most stormy periods of the reign of Fernando VII, in the days

of the lodges of the communists, of the priest of Tamayón and of the Apostolic Junta; it was a law in which was reflected the excessive severity of that Government, which did not see that its system was a certain forerunner of weakness and ruin.)

Mr. Vidal said that he was amazed and alarmed that the Counsel for the defense should have asked, in the case of an American citizen, for the enforcement of a law which would almost place Somellán in the hands of the executioner;

a law that furnishes the slightest possible guarantee to a prisoner; a law, the outgrowth of our civil dissensions, at a time when neither life nor property was secure; a law which did, indeed, require six magistrates, yet, if the Judge of First Instance was blinded by passion or prejudice, and condemned the prisoner to death, and but three of the magistrates approved the sentence, the prisoner (in this case Somellán) would mount the scaffold.

According to Mr. Vidal,

the defense was playing a most dangerous game in risking the life of the prisoner, and it would be a disgraceful thing for a Spanish Court to enforce, in the case of a foreigner, a law which had been discarded as outraging the dignity of the citizens of our nation.

The claim of the Counsel for the defense is, moreover, inopportune, since he knows that prosecutions are initiated, at the present day, by Examining Judges, and not by Judges of First Instance,

as was formerly the case. If he agreed to this at the outset of the proceedings, it does not seem proper for him to come forward, while the regular trial is in progress, with a question which could merely serve as the basis of a protest for an appeal to a higher court, thus delaying the execution of the sentence, in case it is unfavorable to Solmeillán.

The Evidence.

Mr. Vidal began to recapitulate the evidence

in detail, saying that he proposed to base his argument on the evidence adduced by the defense.

One Joaquin Vidal has been presented here, said he, a youth who appears to have been in charge of Mr. Someillan's business, and a person named Joe is brought forward to take charge of a telegram signed Clark. Mr. Someillán's face and grave department show that he is no trifler in business matters, and the Court will readily

understand that he was not a man to trust his business affairs to a boy of eighteen years.

He said that Key West was the hot-bed of the insurrection against the domination of Spain.

He referred to public opinion, which, in cafés, in the streets, in public walks and in clubs designates Someillán as a separatist and an agent of the conspirators.

As to his illness, whereby it was sought to prove an alibi, he said that the only evidence of it

had been given by such witnesses as Govin and others, all of whom were intimate friends or relatives of the prisoner.

Govin and Someillan are names which are found together in the pages of this trial, like dark outlines in contrast with the brightness of the fires lighted by the torch of the incendiary.

He next referred to Someillán's former trial, when he was tried together with his son and with Don Márcos Rodriguez Molina, the antecedents of which are

on record.

He declared that the statement made before a notary in Key West by Don José Somcillán was of no value whatever.

By way of recapulation, Mr. Vidal took all the data, compared all the evidence, and showed Somcillán in the light of a formidable conspirator, having his head-quarters in the city, and thence giving an impetus to the revolutionary tide. In drawing the picture in the

frame of which Someillán appeared, Mr. Vidal was quite as much inspired as he was on the occasion when he depicted Sanguily, eternally a rebel, with Gara in the past and Ibarra in the future.

Vidal closed his remarks by urging the Court to have no consideration for Someillán, because he had had none, and because it was necessary to exterminate those who seek to prolong the war ad infinitum in the city; if this was

not done, he, said that the heroism of our soldiers on the field of battle would be of no avail.

He said that it must be considered who was the injured party in this case, and that no words were great enough to pronounce the name of that party. The injured party, said he, is our country, and no conventionalisms, and the grief of no other mothers or other children can be allowed to take precedence of our mother; our social bond, said he, must be saved by condemn-

ing Somellán, the principal actor in the present tragedy.

Thus, concluded Mr. Vidal, the law will be satisfied, as will justice and our country, and evidence conclusive will be furnished of the immaculate majesty of the Spanish nation.

Mr. Vidal's argument needs no comments in addition to those which we have already made. His eloquence and the ability of his speech were most remarkable.

Owing to the lateness

of the hour — it was half past four — Mr. Mesa y Dominguez postponed his argument until the session of to-day, the third in this case.

Arnauté.

From La Lucha, January 12th, 1897.

The Courts.

The Trial of Someillán.

Third Session. — Mesa y Dominguez in defense of Someillan. — Brilliant Argument. — Correction by

the Attorney for the Crown.
— Antecedents. — A Protest.

Yesterday's Session.

Mr. Mesa y Dominguez did well to postpone his argument, on Saturday afternoon, until yesterday (Monday.) Mr. Vidal had just spoken, and the atmosphere had been rendered thick by the clouds which had been piled upon Somellán's head by the magnificent arraignment of the Attorney for the Crown.

Mr. Mesa y Dominguez's talent, being placed

at the service of misfortune, as Mr. Vidal repeatedly remarked, needed to be assisted in its noble work by the hours that elapsed between the two sessions of the court. But when one speaks as Mr. Vidal spoke, time can hardly serve as a sponge to wipe out impressions which are not easily obliterated.

Yet Mr. Mesa did all that it was possible for him to do in order to perform his task triumphantly. We have often heard him, and we must say that he never appeared

to better advantage than he did yesterday. The reason is evident: Eloquence is a power.

Mr. Mesa began his remarks by saying that he was fully convinced of Somellán's innocence, and that his conviction had been strengthened by his examination of the testimony during the progress of the trial.

He referred to the brilliant argument of the Attorney for the Crown, and said that it produced an effect similar to that of a kaleidoscope, in which

detached pieces of glass, when combined with one another, produced a beautiful effect, and that, in like manner, Mr. Vidal had constructed an array of formidable charges out of nothing at all.

He still adhered to his opinion concerning the law of 1821, of which he said that, if it was worse, in one sense, to the law now in force, it did not leave the accused in the power of the Judges, as did the present mode of procedure. According to that law, the witnesses are

obliged to give their testimony, from the very outset, in the presence of the prisoner.

In this connection, he said that the witnesses on whose testimony the police report had been based, had not had the courage to maintain, before the Court, all that they had said at first, and that common report might be the outgrowth of the animosity of other persons, or of some one who had an interest in injuring the accused, perhaps because the latter

opposed the accomplishment of some of his plans; common report, said he, begins with mere neighborhood gossip, which is followed by a rumor, and then comes the development, that is to say, an atmosphere of suspicion surrounding the accused.

Referring to the instructions signed on the 16th of June by the insurgent leader Salvador de Castroverde, Mr. Mesa said that there was no possibility of his connection with the telegram which was said to have

been received by Someillán, for the following reasons:

Castroverde surrendered and applied for a pardon, and, on the 27th of June, sailed for New York on board of the steamer Orizaba, which does not stop at Key West, and must have reached New York on the 1st. How could it have been possible, said Mr. Mesa, for Castroverde to send a cable message from Key West on the 29th of June, which was the date of the telegram

signed Clark?

He said that the testimony of Dr. Burgess's servant was entitled to no consideration, because he declared that he received the message in question from a telegraph messenger on Sunday, and that he delivered it to Somellán the next day, Monday. As to that, said Mr. Mesa, there is the almanac, from which it appears that the 28th of June was Sunday, not the 29th, and a cablegram could not have been received

in Havana a day be-
fore it was sent from
Key West.

He said that the At-
torney for the Crown had
been misled by the
names of the Govins, Casanovas
and Somellán's, which
appear in the trial which
was discontinued, and
which he declared could
not be regarded as an
unfavorable antecedent
or as the basis of a charge
against the accused,
inasmuch as the trial
was discontinued for
lack of evidence.

After adverting to the

charges formulated by the Attorney for the Crown, Mr. Mesa closed his brilliant argument by saying that he too shed the tears which were evoked by that gentleman, and that he felt confidence in the upright and honorable magistrates who composed the Court, because they had not come there to condemn without evidence, but to weigh the evidence conscientiously and to enforce the law.

Mr. Mesa rose to an enviable height in his

examination of the evidence and of the question of law, and showed his professional ability to be above the malicious attacks of secret enemies. The Attorney for the Crown is convinced of the guilt of the accused, and expressed that conviction to the Court; the Counsel for the defense is convinced of his innocence, and defended him. No one has any right to form an opinion until the Court shall have pronounced sentence, for it is not influenced by popular passion, and

its decision in this instance will be, as it always is, based upon uprightness and sound justice. It is sufficient to say that Judge Ricardo Maya will state the case to his associates on the bench.

The Attorney for the Crown made an energetic correction of certain points of the defense, remarking, among other things, that the crime of rebellion is not a political, but a common crime, that is to be classed in the same category with murder,

violation and arson, and that the gentlemen composing the Court should not forget that they lived within the national movement; that the war would not come to an end unless those who encourage rebellion in the dark were rendered powerless to commit their evil deeds, and that it was the duty of the Court to uphold the energetic action of the executive authority.

Mr. Mesa also made a brilliant correction, and the case was re-

ferred to the Court for sentence, after Mr. Somerville had stated that he approved all that had been said by his learned Counsel.

Antecedents.

By way of completing our report, we publish the antecedents of the trial which was discontinued, to which antecedents reference was made in their arguments by the Attorney for the Crown and the Counsel for the defense.

On the 15th of January, 1896, at two o'clock in the afternoon, when the steamer Olivette was about to sail for Key West and Tampa, Don José Trujillo Monagas, who was then inspector of vessels, went on board and detained Don Márcos Rodriguez Molina, a passenger.

Rodriguez Molina had come, on a previous occasion, from Key West and Tampico, without a passport.

Mr. Trujillo acted in obedience to the orders of General Martinez

Campos, who issued them in pursuance of a telegram from the Spanish Consul at Key West.

Rodriguez Molinas was searched, and some thirty bonds were found in his possession, of the value of fifty dollars each, said bonds having been issued by the Empresa Maritima Cubana of 1870, belonging, as is seen, to the former revolution. The following letters were also found, together with certain papers relating to the es-

tate of Doña Inocencia
Casanova.

Letter to Charles Govin,
New York.

Friend Charles:

The wife of Dr. R. G.
has probably already
seen you. I will here
repeat what she was
to say to you, which
is:

1. That you are to
endeavor to let M. G. and
A. M. know, as soon as
possible, that they may
communicate with me
through you.

2. That P. D. is to agree

to one month's delay in order to watch the port to which he refers, so as to receive munitions there. The month is to begin on the day that shall be fixed by Don P. And let him ratify the name of the port for greater certainty. The port is the one named by you in your last.

3. That you may accept, as if it were from me, any communication or any shipment that may be made to you by F. F. from Tampa, the said F. F. being a most upright and trust-

worthy agent, to whom I have given your address.

I shall soon briefly answer your last letters, and shall enclose vouchers. To-day I am overburdened with business, and have no time to do anything more.

Yours very truly,

Jh. Abbe.

This Charles Gouin has died in the field, since the above was written, of wounds received in an encounter with General Lopez Ochoa.

Letter to Don Francisco Chenard.

On the envelope of this letter were written, in lead pencil, the words: For Chenard.

Friend Francisco: Everything is going on right here. Things are very quiet. What a queer fellow you are; you told the lawyer of Neptune street that you had left $300 with me in case I should need anything. What money is that? Finally, I gave him $42-40, and charged it to your account, unless

you wish to take it out of C.'s funds, which, you know, are to be sent to their destination, and cannot be touched by us, and for that purpose, after what has been done this week, there does not remain so much; for I send you three tierces of tripe and two boxes of medicine per schooner Julia. I intend to go to see Emilio to-day. How are you getting on?

Yours,

L.

These were the docu-

ments taken from Rodriguez Molina, who said that they had been given him by the two Someillán, father and son. Both the Someillán were arrested, and all three were brought to trial for rebellion.

Don José Manuel Govin declared before Don Leopoldo Arrastía, a Notary public in New York, that, when he left Havana, Doña Celina Casanova, his wife, forgot and left in the house of Doña Concepción Casanova, her aunt, those pa-

pers, some of which had reference to the estate of Doña Inocencia Casanova, and the others belonged to a curious collection of documents relating to the last war; and he added that Someillan had no knowledge of what those closed envelopes contained

The handwriting of both the Someillans was compared by experts with that of the two letters, and was found to be similar; and the Court, which was composed of Judges

Mendo Figueroa, Maya and Valdés Pagés, decided, on motion of Don Belisario Alvarez y Céspedes, that the proceedings should be quashed for lack of evidence, and ordered the release of the accused April 1st, 1896.

A Protest.

Mr. Mesa ~~filed~~ protested against the order of the Court which declared that there was no ground for his petition that the Court might be composed of six magistrates, among them the Pre-

siding Judge, and the Court permitted him to file his protest.

From "La Lucha," Havana,
January 15th, 1897.

The Trial of Somoillán.
The Sentence.

The Decision Statement of Judge Maya.

Yesterday, at half past twelve p. m., was read in public, in the First Division of the Criminal Court, the sentence of Don Luis Somoillán, which was due to the enlightened statement of the upright, conscientious and learned Judge Don Ricardo Maya.

The sentence is as follows:

In the city of Havana, on the 14th day of January, one thousand eight hundred and ninety-seven, in re the case referred to this Court by the Examining Judge of Guadalupe, which is between two parties, to wit: the Public Prosecutor on the one hand and Don Nicolas Sterling on the other, the said Nicolas Sterling being under the direction of the Counsel for the Defense, viz. Don Antonio

Mesa y Dominguez,
in behalf of and repre-
senting the prisoner Don
Luis Somcillán y Azpei-
tía, son of Don Mateo and
Doña Evarista, a native
of Havana, a widower,
fifty-four years of age,
a merchant doing busi-
ness at no. 21 Obispo
street, a man of educa-
tion, without penal an-
tecedents, who has been
arrested and brought
to trial for rebellion.
In the course of which
trial all legal provi-
sions have been com-
plied with. Judge Ri-

cardo Maya stated the
case to the Court.

First:- Inasmuch as it has
been proved that Don Luis
Someillán y Azpeitia,
a native of this island,
who was a Spanish subject until the year 1876,
obtained a certificate of
naturalization as a citizen
of the United States on the
third day of November, in
the year aforesaid, and came
to this city, where he es-
tablished a commercial
house under the firm-
name of Someillán &
Company, that he has done
business as a commission

merchant since that time, his place of business or office being in the upper story of the building which bears the number 21, in Chirpo street, where neither the prisoner nor his family resided.

Second. Inasmuch as it has been proved that, on the sixth day of July, one thousand eight hundred and ninety-six, the Inspector of the ward known as Templete began an investigation, in pursuance of an order from the Chief

of Police of this capital, with a view to ascertaining whether Don Luis Someillán had taken part in, and given aid and comfort to the separatist rebellion, to which end he received the testimony of the persons who resided nearest to the said Someillán's office, among them that of the doorkeeper of the house, that of the watchman Soler, and that of the Alcalde of the ward, all of whom stated that it was the general opinion that Someillán was dis-

affected towards the Spanish Government, some giving as their reason for this opinion, the fact that he had renounced his Spanish nationality in order to become a citizen of the United States, and that it was generally believed that he belonged to the Revolutionary Junta, and busied himself with recruiting men for the insurrection, as suspicious persons were frequently seen to enter his office, in consequence of which he had, for some time, been

under police surveillance, the person assigned to exercise such surveillance being Don Salvador Soler.

Third.- Inasmuch as it has been proved that, on the fifteenth day of January, one thousand eight hundred and ninety-six, proceedings were instituted in the Cathedral Court, for the crime of rebellion, against Don Márcos E. Rodriguez, Don Luis Somcillán Vidal and Don Luis Somcillan Azpeitia, for the reason that documents of a revolutionary character had been found in the possession of the person first-named,

which documents the said first-
named person had received
from the office of the two
others, which proceedings
were quashed in pur-
suance of a provisional
order to that effect issued
on the ground that the
crime was not properly
proved, although there
was good reason to sus-
pect the three prison-
ers, on account of their
conduct.

Fourth.—Inasmuch as it
has been proved that,
in the early part of July
the following document was
taken from a prisoner of war

by forces of the Army, under the command of Colonel Guillermo Tort, the text of which document is here given, to wit: "Instructions to be observed in order to secure the success of the expedition. - On my departure from New York or Key West, I will send a telegram to such person as may be designated to me by the Citizen Delegate of Finance at Havana. On the second day after my departure, in case the first telegram shall have gone astray or been de-

layed, I will give orders to have the same telegram sent to another person, who shall likewise be designated by the Citizen Delegate of Finance. The form of this telegram shall be: 'Matilda is to be married on such a day.' When the telegram reaches the citizen Delegate, he will bring it to the knowledge of the Citizen Major General in command of the Province, and of the Citizen Commandant Ramón Montero; the Citizen Major General Aguirre

will send to the appointed
place, under command of
the Citizen Commandant
Montero, two squadrons,
which are to arrive at the
appointed place at night
fall on the day fixed for
the landing. One of the squad-
rons is to place itself in
ambush in the place which
has already been agreed
upon with the Citizen Com-
mandant Montero, and the
other squadron is to en-
camp on the beach and
be prepared to receive
the articles brought. Eight
mules or horses must be
brought with suitable appa-

ratus and hampers to carry
of the
such goods as owing to their
size, may be difficult
of transportation. When
the goods have reached
the beach, three senti-
nels are to be placed
on a ~~high~~ rock fifty me-
ters in height, who are
to light (3) three torches
two yards apart, and
to leave them burning
until they are con-
sumed. Every hour, until
we are in sight, they are
to repeat this same oper-
ation so that we may be
certain that all is well
on land, and that they are

waiting for us. In case lights carried by steamers or gunboats are seen from the coast, the sentinels are to wait until they have disappeared before making the signals. Our vessel will carry no lights, and therefore will not be seen until it is very near the shore. In case they have fortified the beach when I return, or I am surrounded there by Spanish troops that prevent ours from approaching the coast, the Citizen Commandant Montero

will select another place
on the coast, and will
thence make the signs
agreed upon so that our
vessel may proceed in
the direction of them.
In case of bad weather,
and of the evident im-
possibility of effecting a
landing on the night ap-
pointed, the signs are to
be made the next night
and on every succeeding
night until the weather
will permit the landing
to be made. Unless I see
the three torches lighted
every hour as above direct-
ed, I will not head the ves-

sel towards the coast. On no account are the signs agreed upon to be made to me unless our forces are on the beach to protect the expedition. Only in case my instructions are strictly obeyed will I be responsible for what may happen to us, and guarantee the success of the enterprise. Otherwise, I wish it to be borne in mind that I assume no responsibility. P. & L. in the field, June sixteenth, one thousand eight hundred and ninety-six. — The Commander of

E. M., S. de Castroverde. —

To the Citizen Delegate of Finance — José María Bolaños.

Fifth.- Inasmuch as it has been proved that, on the 29th. of June, the following telegram was received at the cable station: "Key West- Received at Havana June 29th. — Somcillán, Havana. -Tell Alfred to inform José María that Matilda is to be married Thursday; let him answer if he will be present.- Clark." This dispatch was taken to — the office of Somcillán & Co. by Don José Pereira, the cable messenger, who returned it to the central telegraph office because the office

of the persons to whom it was addressed was closed, making a note to that effect on the back of the receipt; it was, however, taken again soon after by Don Pedro González Brey, the other messenger, who succeeded in getting it received, the receipt signed and the amount due thereon paid by Don Manuel Diaz Ernesto, the servant of the American Doctor Burgess, whose office is in the same building. The said Diaz was requested to deliver it to Somellan, and he kept it,

in the mean time, in his own room.

Sixth.- Inasmuch as it has been proved that on the day following, the 30th, when Don Luis Soucillán reached his office, Díaz Ernesto delivered that telegram to him in person, it being the only one that has been delivered by him during the time that he has been there in the service of Dr. Burgess.

Seventh.- Inasmuch as it has been proved that the prisoner denied that he had any revolutionary rela-

tions with the armed insur-
gents or with the Junta of
Key West, and also denied
that he had received that
telegram, although he
says that Diaz Armestio
has delivered others to
him; and as he does not
know Clark, the signer,
or know anything of the
matter therein referred
to, he always returned
them, either directly or
by the messenger, be-
cause he understood that
they were not addressed
to him, and told persons
having business with him
that his address was So-

meillan & Company.

Eighth.- Inasmuch as it has been proved that all the telegrams addressed "Someillan" have been delivered at the office of Someillán & Company, and whereas there is no record that any one of them was returned to the calle office, either directly or by the messengers of the central office, and whereas "Someillán" was the only address on all the cablegrams that were taken to no. 21 Obispo street.

Ninth.- Inasmuch as it appears that, on the 21st. of July, in a statement

which the prisoner requested the privilege of making, he declared that, on the 27th of June, he left his office sick, and went to his house, which he did not leave until the 1st of July, which assertion he repeated during his trial, referring, in support thereof, to Doña Teresa Casanova, widow of Vidal, his sister-in-law, at whose house he lived; to her sons Don Luis and Don Onofre Vidal y Casanova, to Doctor Antonio Parra, who attended him, to Don Juan and Doña María

Coppinger, to Don Felix Govin and Don Juan Gonzalez, who called to see him on business during his illness.

Tenth.—Inasmuch as it has been proved that, on the 28th of June, the prisoner was visited at his house, no. 46 Concordia st., by Dr. Rodriguez Parra, who found that he had a cold, and prescribed a sudorific for him, and told him that he must stay in-doors, but did not visit his patient again.

Eleventh.—Inasmuch as it appears that Don Joaquin Gonzalez said that he had

been, on the morning of the 30th. of June, at the house of the accused, to give him the order for the delivery of fruits, he having been in the fruit business with Someillan for the past 12 years, and that he had found him suffering from a cold, in which condition he was found likewise by Don Juan Coppinger and Don Felix Gouin on the 29th.

Twelfth.- Inasmuch as Doña Teresa Casanova, a relative of the accused, says that Someillán did not leave the house, owing to his cold,

from the 28th. to the 30th.; Don Luis Vidal, also a relative, (who did not give his testimony on the trial because he was not present) an inmate of the same house, thinks that he heard that his uncle Soureillán was suffering from a cold, and that he saw him in the evening; and his brother Onofre, sixteen years old, says that his uncle was sick in bed on the 28th., 29th. and 30th.

Thirteenth.- Inasmuch as it has been proved that, on the second day of July, the following telegram was trans-

mitted by cable from Ha-
vana to Key West: "Someillan,"
Key West.- Tell Pancho that
Pepe missed the steamer;
let them postpone the
wedding until Sunday.
-Alfredo.- Alfredo Gómez,
no. 76 Lamparilla street.
-It being likewise certain,
from the confession of the
accused, that his son and
two or three other rela-
tives of the same name
were residing in Key West
at the time.

Fourteenth.-Inasmuch as
it has been proved that,
on the 12th of June, another
telegram addressed to Al-

fredo Gómez, no. 76 Lamparilla street, was received from Key West, which telegram was as follows:-- Tell whether you received cable on the 29th through Sullivan. Matilda was married to-day.- Clark. The person to whom this telegram was addressed does not live and has never lived at the number mentioned, and no one knows him.

Fifteenth.- Inasmuch as, on the 8th day of August, Someillán's nephew, eighteen years of age, Joaquin Tidal de Casanova by name,

came, at the instance of Lo-
meillán's counsel, to give
his testimony, which tes-
timony he reiterated on
the trial, and said that,
on the 30th. of June, he went
to his uncle's office because
the latter was ill and un-
able to go himself; he
said that he went there
with full power to act
for his uncle in any-
thing that might occur,
notwithstanding the fact
that Don José Larocha,
his uncle's clerk, was there;
that one Joe (Pepe) whom
he knows by sight, came
in quest of a telegram

which he thought must have been received for him, whereupon he (witness) looked for and found in a desk an unopened telegram addressed to "Someillan," which he handed to Joe (Pepe) because that person declared that it was for him; he opened it, read it, and said that it was just the one that he had been expecting, and went away.

Sixteenth.- Inasmuch as, with the plea of the defense, a document was presented which had been drawn up by Don Ramon Alvarez, a notary of Key West, said doc-

ument containing statements by Don José Someillán, to the effect that he was in Havana in the month of June, and that he had given orders that his letters should be addressed to him at the office of the Messrs. Someillán; and that, on the 30th. of June, he went to said office and asked Joaquin Vidal, the clerk, whether there was anything for him, whereupon Vidal told him that there was a telegram bearing the address "Someillán;" that he did not know whether it was for

his employer or not, the latter not having arrived yet; and that the appearer, being anxious to get the news that he was expecting, opened it and took it away with him, as it really was for him.

Seventeenth.- Inasmuch as the Attorney for the Crown stated the facts in the following manner: First, that Don Luis Torreillán y Azpeitia, being of full age, a native of Havana, residing and domiciled there, and a citizen of the United States of North America, according to his certificate of naturali-

gation, bearing date of No-
vember twenty-third, one thou-
sand eight hundred and sev-
enty-six, as an agent of
the Revolutionary Junta
of this Island, having an
understanding with the Com-
mittee at Key West, and be-
ing in league with the prin-
cipal leaders of the rebel-
lion which has been pub-
licly organized in open
hostility to the Government
with a view to proclaiming
the independence of this
Island, did, with the design
of aiding the revolutionary
movement, receive, in the
latter part of the month

of June last, a cablegram dated Key West, June 29th., addressed to him, the tender of which appears to have been a person signing himself Clark; this cablegram was closely connected with certain instructions that were taken from a prisoner of war, in which is outlined a previously concerted plan for the landing on the coast of Cuba of an expedition organized in Key West; and the said Attorney for the Crown contended that these acts constituted the crime of rebellion provided for in number one of article two hundred and

thirty-seven, — the punishment for which is provided in article two hundred and thirty-eight, of which he charged Don Luis Soneillán y Azpeitéa with having been the perpetrator, there being no appreciable generic circumstances, and asked that he be sentenced to imprisonment in chains for life, with accessories and payment of costs.

Eighteenth.- Inasmuch as the counsel for the defense of the prisoner considered that it had been proved that, on the twenty-

ninth of June last, when Don Luis Someillán y Azpeitía was sick at home (the said Someillán y Azpeitía being a merchant residing in this city, and having an office at no. 21 Obispo street) a telegram was received from Key West addressed to "Someillan, Havana, which telegram was sent back to the cable office by the telegraph messenger who had brought it to its destination, a note having been made thereon that it was "returned because the office was closed and there was

no one to receive it."

That said telegram was afterwards delivered by the telegraph messenger to Don Manuel Diaz, who signed a receipt therefor, and placed it, as was his custom, with all the letters and papers that were received on holidays, on Mr. Somellan's desk.

On the 30th., while Somellan was still sick, Don José (Joe) Somellan, while temporarily in this city, received from Don Joaquin Vidal, of whom he asked it, the telegram in question, which he opened and took

away with him, telling Vidal that it was for him.

The said telegram, which, according to the statement of facts contained in the correlative of this number, is in close connection with certain instructions which were taken from a prisoner of war, and in which is outlined a previously concerted plan for the landing on the coast of Cuba of an expedition organized in Key West, has no connection whatever with Don Luis Somellan y Azpeitia, who neither received it nor had any knowl-

edge of it. It has been in no wise proved, as it claimed, that he was an agent of the Revolutionary Junta of this Island, that he had an understanding with the Committee in Key West, or was in league with the principal leaders of the rebellion publicly organized against the Government with a view to proclaiming the independence of this island, and he asked for the acquittal of the prisoner on the ground that he was not, in his judgment, guilty of the crime with which he was charged.

First. Whereas, when common report attributed to Don Luis Sonceillán y Azpeitia disaffection to the cause and the interests of Spain, it certainly was not mistaken, because that change of citizenship, without any just cause, gives rise to a reasonable suspicion that a person who thus breaks with his traditions and history does so from hatred, or at least indifference to his mother country, in order that he may, nevertheless, continue to enjoy the advantages offered him by the laws and customs of Spanish

society, bearing in the inmost recesses of his heart, all the time, the separatist leaven of which he is a living and personal example.

Second.- Whereas these antecedents are not to be lost sight of, because the law of procedure, in its articles 377 and 378, makes it obligatory to inquire into the conduct and moral character of persons placed on trial, and also into their penal antecedents, and although no penalty was imposed upon Don Luis Someillán on the occasion of his previous trial for rebellion,

the language in which the order for the discontinuance of the proceedings is clothed indicates strong doubts of his innocence, which corroborate the common report, and accord with the suspicions which arose in the neighborhood, and while the inexplicable and unexplained change of citizenship is an indication of probable hostility to Spain, since such things are not done by chance, his subsequent acts argue manifest disaffection to her sovereignty, and there is

no doubt whatever that Don Luis Someillán was an element and an apt and trusty auxiliary on whom the rebels in Cuba relied.

Third. Whereas, the telegram of June 29th having been deciphered and explained by the aid of the paper taken from a prisoner, it is evident that the accused was the person designated to the signer of those instructions as the one to whom he was to address the dispatch announcing the sailing of

the filibustering expedition, which fact naturally implies not only a sameness of views, but a punishable previous arrangement to aid and abet the insurrection, and to procure larger supplies for it, which renders him guilty of the crime of rebellion.

Fourth.- Whereas Don Luis Someillan y Azpeitia, by being concerned, voluntarily and with malice aforethought, in the transmission of the information concerning the expedition to the rebel forces that

were to receive it, not only committed a deed which actually gave aid and comfort to the rebels who were under arms at that time, but also influenced those who were about to engage in rebellion by landing on the coast of Cuba, because, had they not felt absolute confidence in his trustworthiness and efficiency, they certainly would not have risked sailing from Key West, as was their intention, in view of their fearlest there should be a failure to take some of the pre-

cautions which had been carefully enjoined by the document transcribed in the fourth paragraph beginning with the words "Inasmuch as."

Fifth. – Whereas the telegram sent from Havana to Key West on the 2d. of July is unequivocal proof of the culpable aid and comfort afforded by Somellán, said telegram suggesting the advisability of postponing the expedition, the work, in all probability, of the accused, since it is addressed to another Somellán, but, even

if such were not the case, the reception and transmission of the first dispatch would suffice to render his guilt as a criminal abettor of the insurrection accurately and justly definable, because every armed body of men constitutes an equally violent attack upon the sovereignty of Spain, and Somcillán encouraged and induced the insurgent nucleus at Key West, by tendering and giving his co-operation, to swell the ranks of the rebels, which, from another point of view, constitutes an act of certain and posi-

tive support of the insurrection in general.

Sixth. Whereas the evidence in behalf of Don Luis Somellán y Azpeitia presents three phases, which are wholly distinct, and which have been utilized successively, owing to the distrust of a man who is untruthful, and in order that the weakness of one might be supplemented by the support and strength of another; and thus it is observed that when his denial of the receipt of the telegram from the conspirators

in Key West is found to be contradicted by the positive statement of Diaz, he undertakes to show, by the testimony of his relatives, the impossibility of his leaving the house on the 30th.; and naturally fearing the weakness and insufficiency of this evidence, he goes so far as to induce Don José Somoillán (who is out of the reach of the Spanish courts) to declare himself, for his benefit, by implication, to have been guilty of the crime of re-

bellion, all of which evi-
dence should be attentive-
ly and carefully ana-
lyzed.

Seventh. Whereas, even
leaving out of considera-
tion the bond of relation-
ship which exists between
Someillán and Doña Tere-
sa Casanova and her
children, which alone
would furnish reasona-
ble ground to suspect
the truth of their state-
ments; and also leaving
out of consideration the
intimacy among them
which is the natural re-
sult of their living to-

gether, so great is the dis-
crepancy which is observ-
ed in their statements
on essential points, that
their assertions are de-
prived of any credibili-
ty, for, while Don Onofre
says that the accused
spent the twenty-eighth,
twenty-ninth and thir-
tieth days of June in
bed, his (Don Onofre's)
mother says that he
was merely confined to
his room, and Don Luis
states, in a doubtful
way, as if he remembered
it indistinctly, that his
uncle Someillán was as he

heard, suffering from a cold, but that he saw him evenings. Thus, if the members of the same family are unable to agree as to the seriousness of the indisposition, and the precautions which the patient adopted in order to recover his health, all the evidence is, of itself, invalidated, which has been adduced with a view to showing that Don Luis Somerillán could not and did not leave his house on the thirtieth of June.

Eighth. - Whereas the

only thing proved, in this connection, is that Don Luis Somellán was suffering from a cold on the twenty-eighth of June, which did not prevent him from going to his office on the thirtieth (his health then being improved) and receiving the telegram that was delivered by Diaz; because, if Don Joaquin González saw him at his house early on that day, he was afterwards able to be at his office, since Diaz Ormesto did not state that it was in the morning when he

delivered the cable, but that he delivered it as soon as the addressee arrived.

Ninth.- Whereas the statement of young Joaquin Vidal, which was made at a late stage of the trial, ought to be supplemented and confirmed by the statement made by Don José Somellán in Key West before a notary, but, on a comparison of the two, it is found that one invalidates the other, which fact shows both to be untrue, because, if Vidal went to the office, (notwithstanding the fact

that Don José Laroche, the
clerk, were there) with full
powers from his uncle, for
the reason that the latter
was unable to be there,
this reason does not ac-
cord well with that giv-
en to Don José Somcillán,
viz: that the proprietor
had not come yet, which
implied that he was like-
ly to arrive at any mo-
ment; it is, moreover, not
reasonable to admit that
Don Joaquin would have
delivered to Somcillan,
whom he only knew as Pepe
(Joe) a telegram ad-
dressed to Somcillán,

and it is a remarkable fact that so important a statement was not made until a month after the commencement of the proceedings, when the witness who was to make it lived in the same house with the accused. All this reveals the artfulness and the falsity of this testimony for the defense.

Tenth.-Whereas, that testimony being evidently false, its very falsity constitutes an element which is prejudicial to the accused, because such

means of defense have never been resorted to by an innocent person, and they are resorted to with lamentable frequency by him who, when convicted of his offense, and even at the risk of rendering stratagem useless, makes use of it in order to avoid the punishment which he deserves.

Eleventh.- Whereas, although the telegram referred to in the fourteenth paragraph beginning with the words "Inasmuch as" was sent from Key West to Havana on the

twelfth of July, addressed to Alfredo Gómez, at a fictitious residence, the fact should be noted that the arrest of Don Luis Somcillán was known on that day both in and out of Cuba, and that cablegram (which had no object, since there was no possibility of its reaching its destination) appears to have been sent rather for the purpose of misleading the courts of Havana in their investigation; and of removing from the accused the presumption of guilt which was implied by the seized papers.

Twelfth. - Whereas, the guilt of Don Luis Someillan y Azpeitia having been proved as having promoted, influenced and abetted the rebellion organized with a view to securing the independence of the Island of Cuba, the penalty applicable is that fixed in article two hundred and thirty-eight of the Code, the penalty being therein provided of imprisonment in chains until death for all persons who, by inducing and influencing the rebels, shall promote or

abet rebellion; which penalty is to be imposed according to article 79, the lighter penalty being inflicted, owing to the fact that there are no aggravating circumstances.

Thirteenth.— Whereas the payment of costs is an inherent obligation of a criminal.

In view of articles 1, 26, 53, 237, no. 1, 238 and others of general applicability: We decide that it is our duty to sentence, and we hereby do sentence Don Luis Someillán y Azpeitia to the penalty of imprisonment in chains

for life, with the accessories of the loss of his civil rights, subjection to the vigilance of the authorities during his life, and, in case of the remission of the principal penalty, to the absolute forfeiture of his civil rights and to subjection to the vigilance of the authorities during his life-time, (unless the remission of these accessory penalties shall be included in the remission of the principal penalty) and to the payment of the costs.

Thus by this our sentence do we pronounce

and order, and hereunto affix our signatures.

Federico Enjuto.

Ricardo Maya.

Juan Valdés Pagés.

Francisco Noval y Martí.

José Novo.

The foregoing sentence was read and promulgated by His Honor Judge Ricardo Maya in public audience on the day of its date. I certify.

The Licentiate José L. Odoardo,

Clerk of Court.

Havana, January 14th, 1897.

334

No. 334

Issued to Congress

ASSISTANT SECRETARY
FEB 8 1897
DEPARTMENT OF STATE.

INDEX BUREAU
RECD.
FEB 8 1897
DEPT. OF STATE

U. S. CONSULATE GENERAL.

HABANA, February 3, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Replying to cable relative to Betancourt's case.

No. 334.

U. S. CONSULATE GENERAL.

HABANA, February 3rd, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

Replying to your cable of the 2nd instant I write to say that in my opinion Someillan's case is identical with Betancourt's. I think both are innocent and that it is a case of mistaken identity in each case. Possibly when General Weyler returns I may be able to do something in Betancourt's case. The Marquis Ahumada, Acting Captain General, does not like to take in the first place great responsibility, and in the second place these matters having now gone into civil courts, it is difficult to get them out, as it seems they must go through long, weary and devious routes before anything can be done.

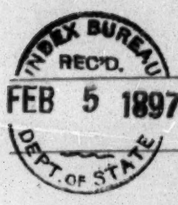
In Someillan's case the principle laid down, that having changed citizenship was sufficient evidence in itself of disloyalty to the former flag, and that whether there was evidence or not, the glory of Spain required conviction, I do not see that Betancourt's case varies from that of Someillan's, and expect, if he is tried, that the same verdict will be reached.

It is very difficult to ascertain charges against persons who are arrested, because the stereotype reply is always received that the character of said charges is now being determined by the proper civil court.

I am, Sir, your obedient servant,

Consul General.

Confirmation



Consulate-General of the US
Havana, February 4. 1897

Confirmed Feb. 6/97

No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

All Offices (21,000) of the Western Union Telegraph Company and its Connections.

4 22 pm

OFFICES IN GREAT BRITAIN:

LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: No. 8 Rumford Street.
GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS	FROM
33	a	W2	25	US Govt Havana

RECEIVED at Washington D.C. Feby 4th 97 189

Feb 4 Assistant Secretary State
Washn (DC)

James W Luckenbill Shortersville
Berkshire County Pennsylvania
found dead Hotel Saratoga this
morning supposed Case Suicide
See

INDEX BUREAU
REC'D.
FEB 5 1897
DEPT. OF STATE

Consulate General of the US.
Havana, February 4. 1897

Confirmed Feb. 6/97

ASSISTANT SECRETARY
FEB
DEPARTMENT OF STATE

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DEPT. OF STATE
FEB 4 8 37 PM 1897
CHF. CLKS. OFFICE

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BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
100	K	SO	17 Govt	Havana

RECEIVED at Washington, D.C. 751pm Feb 4 1897 189

Feb 4 Assistant Secretary State Washington

Ricardo Ruiz American dentist Guanabacoa arrested this morning charges unknown

Lee

DEPT. OF STATE
FEB-4,8 38PM 1897
CHF. CLKS. OFFICE
RECEIVED

N. Con. Rec'd Confirm. Feb Copied for Senate.

ASSISTANT SECRETARY
FEB 6 1897
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
FEB 6 1897
DEPT. OF STATE

Habana,
February 5. 1897.

No. 3.

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THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

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OFFICES IN AMERICA:
All Offices (21,000) of the Western Union Telegraph Company and its Connections.

5/47 5.23 pm
Govt

OFFICES IN GREAT BRITAIN:
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GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
63	T	WS	27	Habana

RECEIVED at Washington DC Feby 5 1897

Feb 5 Assistant Secretary State
Washington

Betancourt and Era Aldan will be released previous order for letters release said to have miscarried

Lee

INDEX BUREAU
RECD.
FEB 6 1897
DEPT. OF STATE

TELEGRAM RECEIVED.

ASSISTANT SECRETARY
FEB 27 1897
DEPARTMENT OF STATE

From Havana

February 5, 1897.

Received 8^05 P. M.

Secretary of State

Washington.

Confd March 1/97

I am informed insurgent commander-in-chief declines to accept reforms. Cubans in cities do not believe in them but will accept lest harm come to them from refusing to do so.

Lee.

Deciphered by Carr.

Scott Lodge
address

Dr. Edward
Scott Calhoun
at Denver

Mollie Scott
Calhoun Bridges
Calhoun

Jan 31 - 1938

335

No. 335.

ASSISTANT SECRETARY
FEB 10 1897
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
FEB 10 1897
DEPT. OF STATE

U. S. CONSULATE GENERAL.

HABANA, February 5th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Arrest of Ricardo Ruiz, an American citizen.

No. 335.

INDEX BUREAU
REC'D.
FEB 10 1897
DEPT. of STATE

U. S. CONSULATE GENERAL.

HABANA, February 5th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

Confirming my telegram of yesterday reading:

"Assistant Seceretary of State,

"Washington, D.C .

"Ricardo Ruiz, American dentist, Guanabacoa, arrested

"this morning, charges unknown.

I have the honor to state that I have demanded to know the charges against ~~the said American citizen~~ him.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

TELEGRAM RECEIVED.

INDEX BUREAU
REC'D.
FEB 8 1897
DEPT. OF STATE

6 wu

18 confirmed Tel. 10/97

From Havana, Feby 6.

Feb 6, 1897.

Received 1 10 P.M.

Asst Secretary State,

Washington.

Sylvester Scoville, World

Correspondent, arrested yesterday

Tunas Santa Clara Province.

Lee

No. 336.

ASSISTANT SECRETARY
FEB 10 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
FEB 10 1897
DEPT. OF STATE

HABANA, February 6th, 1897.

6

Mr. LEE

TO THE

DEPARTMENT of STATE.

Acknowledging and confirming telegrams.

No. 336.

U. S. CONSULATE GENERAL.

HABANA, February 6th,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to acknowledge the receipt of the following telegrams reading:

(1) "Lee,Consul General,Habana. , (Jan.29,1897)

"See counsel Competitor prisoners ascertain their "views of chances of prisoners if tried.

"Rockhill".

(2) "Lee,Consul General,Habana. (Feb.2,1897)

"Understand Betancourt case clearly one mistaken "identity. Can nothing be done?

"Rockhill".

I beg to confirm my telegrams as follows:

(1) "Secretary State, (Jan.28,1897)

"Washington,D.C.

"Sanguily signs personal pledge to me that he will "faithfully observe terms already mailed. Recommend case "be considered on said terms.

(2) "Assistant Secretary State, (Jan.30,1697)

Washington.

"Spanish naval officer Ramon Pardo y Riego assigned "counsel Competitor prisoners is now on gun boat "Cuba "Española at Manzanillo. Shall I approach him? Do not "anticipate anything but continual confinement.

(3) "Assistant Secretary State, .(Feb.4,1897(

"Washington.

"James W.Luckenbill,Shortersville,Berkshire County,

No.

U. S. CONSULATE GENERAL.

HABANA,

"pennsylvania,found dead hotel "Saratoga" this morning.

"Supposed case suicide.

(4) "Assistant Secretary State, (Feb.5,1897)

"Washington.

"Betancourt and Eva Adana will be released previous

"order for latter's release said to have miscarried.

(5) (Feb.5,1897)

"Secretary of State,

"Washington.

Am informed insurgent commander- in-chief declines

"to accept reforms.Cubans in cities do not must believe in them

"lest harm come to them from refusing to do so.

I am,Sir,your obedient ~~servant,~~

Consul General.

1

Confirmed Feb. 9, 1897

TELEGRAM RECEIVED.

From Havana

February 7, 1897.

Received M.

Secretary State
Washington

Scovel will be sent here. Think he was returning from an interview insurgent commander-in chief. He is splendid scout.

Lee

[Biddle]

Biddle.

Copied

TELEGRAM RECEIVED IN CIPHER.

From Havana, Febuary 27, 1897.

SECRETARY OF STATE,

Washington, D. C.

Scovel will be sent here. Think he was returning from an interview insurgent Commaeder-in-Chief. He is splendid scout.

Lee.

File

Biddle.

Duplicate

TELEGRAM RECEIVED IN CIPHER.

ASSISTANT SECRETARY
FEB 9 1897
DEPARTMENT OF STATE

From Havana February 8th, 1897.

Received 8.50 P.M.

Assistant Secretary of State,

Washington.

Just seen Acting Captain General. Scovel arrested on rail road between Sancti Spiritus and Tunas Santa Clara province coming from insurgent camp and it is supposed he had criminating papers which gives case more serious aspect. May have to be tried Sancti Spiritus, am trying to get him sent here. Acting Captain General promises do what he can in that direction.

L E E.

Biddle.

TELEGRAM RECEIVED IN CIPHER.

ASSISTANT SECRETARY
FEB 8 1897
DEPARTMENT OF STATE.

Cuba
Feb. 10/97

From Havana, February 8, 1897.

Received 12.50 P.M.

Assistant Secretary of State,

Washington, D. C.

Expect Scoville here on Friday, do not anticipate serious trouble in his case.

L E E.

Biddle.

Con

TELEGRAM RECEIVED. [partly cipher]

INDEX BUREAU REC'D. FEB 9 1897 DEPT. OF STATE

ASSISTANT SECRETARY FEB 9 1897 DEPARTMENT OF STATE

From Havana

Cuba 126. 10/97

February 8, 1897.

Received M.

Assistant Secretary State,
Washington.

Con Bur
Confirm file

Just seen Acting Captain General. Scovel arrested on Railroad between Sancti Spiritus and Zumar, Santa Clara province, coming from insurgent camp. It is supposed he had criminating papers which gives case more serious aspect. May have to be tried Sancti Spiritus. Am trying to get him sent here. Acting Captain General promises do what he can in that direction.

Lee

No. 337.

ASSISTANT SECRETARY
FEB 15 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

INDEX BUREAU
RECD.
FEB 13 1897
DEPT. OF STATE

HABANA, February 8th, 1897.

File

Mr. LEE

TO THE

DEPARTMENT of STATE.

File

Answering instruction No.239 of the 2nd instant, relative to the "Competitor" prisoners.

No. 337.

U. S. CONSULATE GENERAL.

HABANA, February 8th, 1897.

Honorable William W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

Replying to your instruction number 239 of the 2nd instant, I write to say that I am not aware of any "proceedings" against the "Competitor" prisoners at this time. The preliminary steps (in sumario) were taken in September last, which it would seem was the beginning of their new trial, but since that date I have heard of no further proceedings looking towards such re-trial.

Of course I am closely watching their case and when necessary will see that they are supplied with competent counsel. As there seems to be no immediate prospect of theirs being tried I do not think it necessary now to go into that question. They have certainly not been refused the right to employ counsel. I have to-day written to the Acting Captain General to ask if he can inform me of the probable date when these prisoners will be re-tried.

I do not think Spain desires that a harsh sentence be imposed on these prisoners, but there are difficulties in permitting their release, so that the practical result seems to be continual confinement.

I am, Sir, your obedient servant,

Consul General.

ASSISTANT SECRETARY
FEB 10 1897
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
FEB 10 1897
DEPT. OF STATE

Can Bne

Confirmed Feb. 11/97

Havana, Feby 9. 1897

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

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4 28 pm

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BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
462	a	ws	14	Us Govt Havana

RECEIVED at Washn D C Feb 9th 1897

Feby 9 assistant Secy State
Washn (DC)
Both betancourt and Eva adan
at liberty
Lee

TELEGRAM RECEIVED IN CIPHER.

INDEX BUREAU
RECD.
FEB 9 1897
DEPT. OF STATE

ASSISTANT SECRETARY
FEB 9 1897
DEPARTMENT OF STATE

From Havana, February 9, 1897.

9

Confirmed Feb. 11/97

Assistant Secretary of State,

Washington.

The Mayor of Sagua refuses to allow Consul at Sagua to telegraph to me. Will demand explanation. Consuls report of the matter will be forwarded to-morrow.

L E E.

Biddle.

Cons. Bur. file

INDEX BUREAU REC'D FEB 10 1897 DEPT. OF STATE

ASSISTANT SECRETARY FEB 10 1897 DEPARTMENT OF STATE

Confd Havana, Feby 9. 1897

9

Confirmed Feb. 11/97

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

All Offices (21,000) of the Western Union Telegraph Company and its Connections.

4.26 PM

OFFICES IN GREAT BRITAIN:

LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: No. 8 Rumford Street.
GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS	FROM
453	a w a	19	Us Govt	Havana

RECEIVED at Washn DC Feb 9th 1897

Feby 9 assistant Secy state
Washn (DC)
Charles Scott American
Citizen arrested Regla this
morning Charges not yet known
See

INDEX BUREAU RECD. FEB 9 1897 DEPT. OF STATE

TELEGRAM RECEIVED.

ASSISTANT SECRETARY FEB 9 1897 DEPARTMENT OF STATE

Confd Tel. 10/97

From Havana

February 9, 1897.

Received ____ M.

Assistant Secretary
of State
Washington, DC

Sewell's case has passed [to] civil jurisdiction Sancti Spiritus. Acting Captain General says he no longer has authority over it. Will send special messenger there and will arrange to see that Article IV protocol be strictly complied with.

Lee.

Conf Pol

Confirm

TELEGRAM RECEIVED. Cipher

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ASSISTANT SECRETARY FEB 27 1897 DEPARTMENT OF STATE

From Havana

February 9, 1897.

Received M.

Secretary of State
Washington

DC

Reforms published Madrid on sixth were telegraphed here on seventh; have produced no effect on either side. The fact has been taken advantage of to run up stocks by inside people who are now selling short. Insurgent Commander-in-chief is reported to have issued a proclamation against them. Canovas said yesterday reforms were not to be carried out until island pacified except Eastern section, equivalent to indefinite postponement. Public opinion here is present reforms do not alter the situation but are regarded as clever move to prevent action by the United States.

Lee

No. 338.

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REC'D.
FEB 15 1897
DEPT. OF STATE.

ASSISTANT SECRETARY
FEB 15 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

HABANA, February 9.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Confirming telegrams.

See Despatch May 10, 97

----------0----------

No. 338.

U. S. CONSULATE GENERAL.

HABANA, February 9.1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of the following telegrams reading:-

(1) "Lee, Consul General, Habana, Cuba. Washington, Feb.6.1897

"See that all Scovel's rights as American citizen "are secured. Report facts.

(sgd) Olney, Sec'y.of State".

(2) "Washington, Feb.7.1897

"Lee, Consul General, Habana.

"In case Scovel use every exertion. No summary "action taken. Great fear is entertained by friends on "account previous expulsion from Island. Endeavor to "have prisoner brought to Habana or nearest U.S.Consulate

(signed) Rockhill".

(3) "Washington, Feb.8.1897.

"Lee, Consul General, Habana.

"Has any progress been made in the Oscar Cespe- "des case

(signed) Rockhill".

(4) "Washington, Feb.8.1897.

"Lee, Consul General, Habana.

"Department has been informed that G.Soloman "and brother of N.Y.have received 24 bales LPQUQON from "Habana last week. Cable how permission to export obtained

(signed) Rockhill"

(5) "Washington, Feb.9.1897.

"Lee, Consul General, Habana.

No.

U. S. CONSULATE GENERAL.

HABANA,

"Referring your cablegram 5th.instant,are
"Betancourt and Eva Adan released.

(signed) Rockhill".

I beg to confirm my telegrams as follows:-

(1) "Habana,Feb.6.1897.

"Assistant Secretary of State,Washington.

"Sylvester Scovel "World" correspondent arrested
"yesterday Tunas Santa Clara Provence.

(signed) Lee".

(2) "Habana,Feb.7.1897.

"Secretary of State,Washington.

"Scovel will be sent here. Think he was returning
"from an interview Insurgent Commander in Chief. He is
"splendid scout.

(signed) Lee".

Habana,Feb.8.1897.

(3) "Assistant Secretary State,Washington.

"Expect Scovel here Friday. Do not anticipate seri-
"ous trouble in his case.

(signed) Lee".

(4) Habana,Feb.8.1897.

"Assistant Secretary State,Washington.

"Just seen Acting Captain General. Scovel arrested
"on railroad between Sancti Spiritu and Tunas,Santo Claro
"Province coming from Insurgent camp and it is supposed
"had criminating papers which gives case more serious
"aspect. May have to be tried Sancti Spiritu. Am trying
"to get him sent here. Acting Captain General promises
"do what he can in that direction.

(signed) Lee".

(5) "Habana,Feb.9.1897.

"Assistant Secretary State,Washington.

No.

U. S. CONSULATE GENERAL.

HABANA,

"Mayor of Sagua refuses to allow Consul Sagua to "telegraph to me. Will demand explanation. Consul's "report of matter forwarded tomorrow.

(signed) Lee".

(6) Habana,Feb.9.1897.

"Assistant Secretary of State,Washington.

"Scovel's case passed to civil jurisdiction Sancti "Spiritu. Acting Captain General says he no longer has au "thority over it. Will send special messenger there,and "will arrange to see that Art:4 protocol be strictly "complied with.

(signed) Lee".

(7) Habana,Feb.9.1897.

"Assistant Secretary of State,Washington.

"Charles Scott,American citizen,arrested Regla this "morning. Charges not yet known

(signed) Lee".

(8) Habana,Feb.9.1897.

"Assistant Secretary of State,Washington.

"Both Betancourt and Eva Adan at liberty.

(signed) Lee".

(9) Habana,Feb.9.1897.

Secretary of State,Washington.

"Reforms published Madrid on 6th.were telegraphed "here on 7th. Have produced no effect on either side. "The fact has been taken advantage of to run up stocks "by inside people who are now selling short. Insurgent "Commander in Chief is reported to have issued proclama- "tion against them. Canovas said yesterday reforms "were not to be carried out until Island pacified except "eastern section. Equivalent to indefinite postponement

No.

U. S. CONSULATE GENERAL.

HABANA,

"Public opinion here is present reforms do not alter the
"situation, but are regarded as clever move to prevent
"present action by United States.

(signed) Lee".

I am, Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

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FEB 11 1897
DEPT. OF STATE

Consulate-General of the U.S.
Havana, February 10. 1897.

ASSISTANT SECRETARY
FEB 17 1897
DEPARTMENT OF STATE

No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY

INCORPORATED

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

ASSISTANT SECRETARY
FEB 11 1897
DEPARTMENT OF STATE

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN,
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
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BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
76	K	te		Havana 36

RECEIVED at 7.40 PM Feb 10 1897

Feby 10 – Assistant Secy State
Washn

Order prohibiting exportation leaf tobacco
applies to products Spain and Havana promises
undoubtedly be referred department cable of
rights are products other provinces

Con General Fornal

No. 339.

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REC'D.
FEB 15 1897
DEPT. OF STATE

U. S. CONSULATE GENERAL.

HABANA, February 10, 1897.

ASSISTANT SECRETARY
FEB 15 1897
DEPARTMENT OF STATE.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Case of SYLVESTER SCOVEL.

2 Enclosures.

No. 339.

U. S. CONSULATE GENERAL.

HABANA, February 10,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

As supplementary to my previous despatch number 339 (338) of yesterday's date confirming,among others,six telegrams relative to the arrest of Sylvester Scovel,an American correspondent, near Tunas,I now have the honor to enclose copies of my communication to the Acting Captain General asking that Scovel be brought to Havana,in compliance with the telegraphic instruction of the Department,and his answer thereto to the effect that Scovel's case had been referred to the civil courts in conformity with the Treaty and protocol. Consequently,I have addressed a note to the Judge of Sancti Spirtus having cognizance of the case asking that article 4 of the Protocol of 1877 be strictly complied with. I have made the same request to the Acting Captain General.

To-morrow morning a delegate from me will leave for Sancti Spiritus,accompanied by a competent lawyer to prepare Scovel's defense and see that his rights are protected. I will advise the Department as soon as any further step is taken in the case.

I am,Sir,your obedient servant,

Consul General.

2 Enclosures:

No.1. Consul General to Captain General.

No.2. Captain General to Consul General.

Enclosure No. 1.

With Despatch No. 339.

H A B A N A , February 10th, 1897.

Copy.Iation.

U.S.CONSULATE GENERAL.

HABANA, Feb.8, 1897.

To His Excellency the Acting Captain General of Cuba.

Excellency:

I have the honor to inform you that Mr.Sylvester Scovel, an American correspondent, has been arrested at Tunas, province of Santa Clara. In compliance with instructions from my Government I beg Y.E.will please instruct the Military Commandant of said place, or General Luque at Sancti Spiritus, or whoever officer it may correspond, to the end that Mr.Scovel be brought to this capital at the earliest convenience.

I am, etc. etc.

(Signed) Fitzhugh Lee,

Consul General.

Enclosure No.2.

With Despatch No.339.

H A B A N A , February 10,1897.

Translation.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL. STAFF.

General Luque informs me by cablegram of the 5th instant that an American citizen ,who saidhis name was Scovel,had been placed at the disposal of the civil jurisdiction,that the said person was arrested on the rail road track coming from the insurgent camp,and is supposed to be the same one referred to by you in your communication of to-day.

Consequently,he is now beyond my authority.

I am, etc. Habana,8 Feb.,1897.

(Signed) El Marques de Ahumada,

Acting Captain General.

To the Consul General of the United States.

No. 340

U. S. CONSULATE GENERAL.

HABANA, February 10, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Case of OSCAR CESPEDES.

No. 340.

U. S. CONSULATE GENERAL.

HABANA, February 10,1897.

Honorable William W.Rockhill,

Assiatant Secretary of State,

Washington,D.C.

Sir:

In reply to your telegram reading: "Has any progress been "made in the Oscar Cespedes case",which I confirmed in my despatch number 338 of yesterday's date,I have the honor to refer you to my despatches Nos.244,248,268 and 284. Nothing further has been done in said case.

I am, Sir, your obedient servant,

Consul General.

DIPLOMATIC
MAR 6 1897
BUREAU.

No. 341.

U. S. CONSULATE GENERAL.

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FEB 13 1897
DEPT. OF STATE

HABANA, February 10,1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Answering instruction number 237 of the 28 Jan.,relative to a collision of the Ward line steamer "Yucatan" with a coal barge in this port.

No. 341.

U. S. CONSULATE GENERAL.

HABANA, February 10,1897.

Honorable William W.Rockhill,

Assistant secretary of State,

Washington,D.C.

Sir:

Replying to your instruction number 237 of the 28th Jan., enclosing copy of a letter from Mr.S.C.Neale,relative to the collision of the Ward line steamer "Yucatan" with a coal barge, in this port;I write to say that I had already arranged the matter before the reception of your said instruction. The Captain will not be required to give bail nor will he be arrested. It is necessary,however,under my agreement for him to report once a month to the proper court. I do not anticipate any further action in the case.

I am,Sir,your obedient servant,

Consul General

TELEGRAM RECEIVED IN CIPHER.

ASSISTANT SECRETARY
FEB 11 1897
DEPARTMENT OF STATE.

Confirmed Feb. 14/97

INDEX BUREAU
RECD.
FEB 18 1897
DEPT. OF STATE

From Havana February 11, 1897

Received 2.30 P. M.

Assistant Secretary of State

Washington.

Scovel in well ventilated cell good food, and bed at Sancti Spiritus. Treaty rights have been respected. Is in hands civil jurisdiction. I have sent special messenger to report case.

Lee.

Judy
Com Bd
Com Gen
Capture

Biddle.

No. 342.

ASSISTANT SECRETARY
FEB 19 1897
DEPARTMENT OF STATE

Acknd
To E. L. Wells
Feb. 23/97

INDEX BUREAU
RECD.
FEB 18 1897
DEPT. OF STATE

U. S. CONSULATE GENERAL.

HABANA, February 12th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Mr Fain

Answering instruction No. 238 of the 1st instant.

SOLICITOR'S
FEB 19 1897
OFFICE.

copy Wm. Walsh

Do ado.

F

No. 342.

U. S. CONSULATE GENERAL.

HABANA, February 12th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

Replying to your instruction number 238 of the 1st instant I write to say that the Governor General knows nothing of the communication which you enclose, referring to the prohibition of grinding cane of the "Victoria" plantation. In your copy of the said communication you have it signed Apridro pena. I cannot ascertain that there is any such person, and the original letter, which Mr. Welsh encloses to the Secretary of State is signed, as far I can make out, the name Mendy Ceña.

After all the General in Chief of the 3rd Brigade of Sagua only asks ---the subordinate officer of the small town of Cifuentes, probably a major, to advise all planters not to commence grinding, until further notice. There is abundant testimony that while no orders were issued to actually prohibit grinding, less claims for damages should follow, secret instructions were also issued indicating that no grinding must be allowed, and if attempted, should be obstructed by methods, which would readily occur to the officers in immediate charge of the troops in the vicinity of the sugar estates.

However, I have referred to Mr. Barker, our Consul at Sagua, under whose consular jurisdiction Cifuentes is situated, your instruction with the request that he obtain the information you ask and return the original letter with his report to you on the subject.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

Copy to Treas.
Feb. 23

ASSISTANT SECRETARY
FEB 19 1897
DEPARTMENT OF STATE

No. 343.

U. S. CONSULATE GENERAL.

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FEB 18 1897
DEPT OF STATE

HABANA, February 13.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Report on the classified ports of the Island of Cuba.

---------0---------

One enclosure.

---------0---------

No. 343.

U. S. CONSULATE GENERAL.

HABANA, February 13.1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

Referring to your instruction No.199,dated the 4th. ultimo,and calling for a list of the classified ports of the Island of Cuba,I instructed Mr.Rockwell,Consular Clerk,to prepare the desired information which is herewith enclosed.

I am,Sir,

Your obedient servant,

Consul General.

Enclosure:-

Mr.Rockwell to Mr.Lee,February 13.1897.

With Despatch of)
Mr.Lee)
No.343.)

United States Consulate General,

Habana,February 13.1897.

Fitzhugh Lee,Esquire,

Consul General of the United States,

Habana.

Sir:-

In compliance with your instructions I have the honor to furnish the following information regarding the Classified Ports of the Island of Cuba:-

(1) Ports of general entry of the Island of Cuba which have the privileges of general importation,exportation,trans-shipment,coastwise and transit trade,without any limitations,are the following:- HABANA, MATANZAS, CARDENAS, SAGUA la GRANDE - port,ISABEL - NUEVITAS, SANTIAGO de CUBA, TRINIDAD - port, CASILDA - and CIENFUEGOS.

(2) Ports of restricted entry are the following:- CAIBARIEN, GIBARA, BARACOA, GUANTÁNAMO, MANZANILLO, SANTA CRUZ, ZAZA and MARIEL. Custom houses are established at these ports and they are authorized for exportation,coastwise trade and importation,except of the following articles, textile fabrics, jewelry,haberdashery,hardware utensils and opium.

(3) Ports of coastwise trade (puertos de cabotage) are authorized for general commerce of importation and navigation of the high seas,and are the same as those indicated in No.1. above. By coastwise trade is understood that which is done direct by sea between the authorized ports of the Island and those of the provinces and possessions of Spain.

JURAGUÁ is not an authorized port for commerce of any description,and therefore merchandise destined for that place must be actually discharged in the port of SANTIAGO de CUBA, the custom house,of which JURAGUÁ is a dependency. Goods destined for this landing are carried to it from the port of SANTIAGO de CUBA,subject to limitations which are determined

by the customs laws, and to this end previous authorization is requisite which has to be conceded by the administrator of customs of SANTIAGO de CUBA.

The discharge of merchandise imported to the Island of Cuba can be effected only in ports having custom houses actually authorized for such purpose. Each custom house has its jurisdiction assigned, and the administrators of the same can authorize the loading of native fruits in national or foreign vessels at any point, estate or landing within his official jurisdiction. Upon conclusion of the loading the administrator of customs can oblige the vessel to put into the port where the custom house is located for the legalization which he may consider opportune. This power belonging to the administrators can be suspended by the Governor General, should the circumstances so warrant it.

All vessels, national or foreign, having discharged merchandise imported for a certain port, can proceed to effect the same in the rest of the ports, providing they are so authorized. On conclusion a national or foreign vessel can load cargo which it is desired to export in any of the ports authorized for export.

Foreign vessels can export but are prohibited from engaging in the coastwise trade which is reserved exclusively for vessels registered under the flag of Spain.

The importation of merchandise to unauthorized ports - those not possessing custom houses - is prohibited to foreign as well as national vessels.

I am, Sir,

Your obedient servant,

Donnell Rockwell

Consular Clerk.

Enclosure to Treas

No. 344.

ASSISTANT SECRETARY
FEB 19 1897
DEPARTMENT OF STATE

Subst. to Treas. Feb. 28/97

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U. S. CONSULATE GENERAL.

HABANA, February 13.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Wreck of the American vessel "Elsa". Sale of wreck and compass by public auction.

----------0----------

No.344.

U. S. CONSULATE GENERAL.

HABANA, February 13.1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

Referring to my despatch No.318,of the 23rd.ultimo,relating to the wreck of the American vessel "Elsa",I have now to inform the Department that the compass and wreck were officially advertised by the public vendue masters Messrs. Genores and Gomez and sold by public auction on the 3rd.instant to Mr.Juan G. Santamarina,of this city,for the sum of $28.93 Spanish gold.

I am,Sir,

Your obedient servant,

Consul General.

CONSULAR BUREAU.
NOTED AND PUBLISHED.

345

No. 345.

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FEB 18 1897
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ASSISTANT SECRETARY
FEB 19 1897
DEPARTMENT OF STATE

U. S. CONSULATE GENERAL.

HABANA, February 13.1897.

13

To Wm. Hunt. Feb. 20/97

Mr. LEE

TO THE

DEPARTMENT of STATE.

Con Bur.

Copy to Mrs Luckenbill (Care Hire 2)

Suicide of James William Luckenbill.

----------I----------

Two enclosures.

----------I----------

No. 345.

U. S. CONSULATE GENERAL.

HABANA, February 13.1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

Referring to my telegram of the 6th.instant relating to the suicide of James William Luckenbill,I have to report the following:-

On the morning of the 4th.instant word was brought this office that an American of the above name had committed suicide at the hotel "Saratoga",in this city,about 7 A.M.,and that the remains had been taken to the morgue.

In accordance with Spanish law an autopsy was held in the afternoon of the same day at which Messrs.Rockwell and Tosca of the Consulate General were present. The examination disclosed a case of determined suicide.

At 5 P.M.of the same day the funeral took place at the Baptist cemetary,Mr.Rockwell attending as witness; and the burial certificate is herewith enclosed.

According to information received at his late lodging house the deceased left a mother at the following address:-
"Mrs.~~Catherine Dix, Shortersville,~~ Kate S. Dix, Shartlesville, Berks Co Berkshire County,Penn.

As the late Mr.Luckenbill left but a very small sum of money the funeral expenses,amounting to $50.00,were defrayed by this office.

I enclose also a copy of the inventory of the effects of the deceased.

I am,Sir,

Your obedient servant,

Consul General.

Two enclosures.

With Despatch #345.

INVENTORY of the ESTATE of the late JAMES WILLIAM LUCKENBILL.

))--------0--------((

1. Cot

2. Chairs

2. Pillows

1. Blanket

1. Basin and pitcher

1. Valise, containing:-

- 1.pr.Rubber shoes
- 1.pr.Gloves
- 1.German and English testament
- 1.Flask
- 1.pr.Gaiters
- 1.pr.Drawers, flannel
- 1.Shirt
- 1.Undershirt
- 1.pr.Pantaloons with suspenders
- 1.Overcoat
- 1.Vest
- 1.Sack coat
- 5.prs.Stockings
- 3.Linen cravats
- 1.pr.Garters
- 5.Handkerchiefs

1. Bundle, containing:-

- 1.Sack coat
- 1.Vest
- 1.Shirt
- 2.Handkerchiefs
- 2.Cravats

1. Revolver

1. Cartridge belt with cartridges.

1. Box of cartridges.

1.Hat

1.pr.Garters

1.p'k'g., note paper, visiting cards, 2.spools of cotton, 1.penknife, toothbrush, 2.combs, 1.ruler.

1.Purse, containing:-

- Watch chain, apparently of gold
- One dollar and 14/100, American money
- One dollar and 37/100, Spanish money
- 1.Medal, Columbian Exposition.

----------0---------

A. J. Berry
Deputy Consul General
Dominee Rockwell
Consular Clerk

ASSISTANT SECRETARY
FEB 19 1897
DEPARTMENT OF STATE.

No. 346.

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REC'D.
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U. S. CONSULATE GENERAL.

HABANA, February 13th, 1897.

Mr. LEE

Com Rel
File

TO THE

DEPARTMENT of STATE.

File

"Spanish Reforms" for the Island of Cuba.

No. 346.

U. S. CONSULATE GENERAL.

HABANA, February 13th, 1897.

Honorable William W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

The publication of the "Spanish Reforms" for the Island of Cuba has produced no impression, no excitement and no interest here.

FIRST: Because a limited restricted form of local self government is not that autonomy, which means that the country must have the right of establishing the Government which it considers best, unexposed to interference, or an autonomy either, which produces a community that governs itself and embraces the conditions of self government or "Home rule".

SECOND: The Council of Administration or legislative assembly of 35 members, will be controlled by the Spanish element, because there is no provision made for the revision of the electoral register; therefore, the ultra-spanish party will easily control the majority of the 21 elective members of that body, as certainly as they will control the remaining 14.

THIRD: Were such legislative assembly really controlled by public sentiment and were measures passed objectionable to Spain, power is given to the Governor general to veto the measure, which veto must be submitted to the Minister of the Colonies in Spain, and if said Minister sustains the action of the Governor General, and the Minister is in turn sustained by the Madrid Cabinet, the popular will can be surmounted.

FOURTH: While the legislative assembly is allowed to designate the form of revenue, said action amounts to nothing, if the

U. S. CONSULATE GENERAL.

HABANA,

---

expenditure cannot be curtailed. The amount of these expenditures are fixed by the Cortes in Spain.

FIFTH: All Spanish products are accorded 40 per cent protection. The system here has been to multiply invoice value by 3, so this 40 per cent means really 120 per cent, as the duty charged on imported products.

SIXTH: The Madrid Government nominates the principal offices of the Island, including judicial officials, and governors of provinces. The appointment to offices, not especially reserved to the Spanish Government, can be conferred upon Spaniards, who have resided two years in Cuba, which practically means they will have a large majority of such offices.

And SEVENTH: No provision or arrangement is made for payment of the debt of Cuba, and there is nothing to prevent Cuba being called upon to pay the whole amount of said debt.

I see no prospect of peace on the basis of such reforms, but if peace should be in any way established it will be temporary in its results.

I am sure the situation has not changed and there will be no permanent revival of credit, by the promulgation of reforms which do not reform, and I am informed, that those now in the insurrection will not accept them.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

No. 347.

ASSISTANT SECRETARY
FEB 19 1897
DEPARTMENT OF STATE

U. S. CONSULATE GENERAL.

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FEB 18 1897
DEPT. OF STATE

HABANA, February 13th, 1897.

File

Mr. LEE

TO THE

DEPARTMENT of STATE.

Rec'd

Case of DR. GASPAR A. BETANCOURT.

1 Enclosure.

No. 347.

U. S. CONSULATE GENERAL.

HABANA, February 13th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose copy-translation of a communication, in reference to the expulsion from this Island of Dr. Gaspar A. Betancourt. I do not see any reason for such action, as the civil jurisdiction has declared Dr. Betancourt innocent of the charges against him; but I cannot question the right of the authorities, in time of war, to expel any person from the Island. Dr. Betancourt was imprisoned one month and twelve days. He was kept incomunicado 288 hours.

I am, Sir, your obt servt.,

Fitzhugh Lee

Consul General.

1 Enclosure: Copy referred to.

Enclosure 1. With Despatch 347. Habana, Feb. 13th, 1897.

TRANSLATION.

GOVERNMENT GENERAL OF THE ISLAND OF CUBA.

In answer to your note of the 5th relative to the American citizen D. Gaspar Alonso Betancourt, I have the honor to inform you that I have directed that said person be expelled from the Island, with prohibition to return to spanish territory, without special permission to do so; having communicated the proper orders to the end that he be released and continue in this capital, until the Regional Governor, in the understanding with you, naming the day for the departure of said person for abroad.

I am, etc. Habana, 9 Feb., 1897.

(Signed) Marques de Ahumada.

To the Consul General of the United States.

FILE

FILE

No. 348.

ASSISTANT SECRETARY
FEB 19 1897
DEPARTMENT OF STATE.

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U. S. CONSULATE GENERAL.

HABANA, February 13,1897.

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Mr. LEE

TO THE

DEPARTMENT of STATE.

Case of DR.BETANCOURT.

No. 348.

U. S. CONSULATE GENERAL.

HABANA, February 13th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

With reference to my previous despatch No. 347, relative to Dr. Betancourt, I have the honor to call attention that ~~state that notwithstanding~~ article 20 of the treaty of 1795 between the United States and Spain stipulates that the proceedings of the civil court should be the same as if the parties had been subjects or citizens of Spain, and the Law of Criminal Procedure ruling in Cuba and Porto Rico limits the confinement "incomunicado" to 72 hours.

I have more than once called the attention of the authorities here to this violation of law and in reply have been confronted with the statement that martial and civil law was supreme in the Island, to which I have replied that a military proclamation, whoever it may be issued by, cannot deprive American citizens of any rights and privileges granted by a Treaty existing between nations in peace, and I have asked that the Department of State would request the Madrid Government to so instruct their civil and military Governor in this Island.

American citizens are constantly being arrested and thrown into cells. No communication can be had with them until it pleases the authorities to put them in communication, as it is termed, nor can the nature of the charges against them be in any way ascertained.

I respectfully call the attention of the Department to this matter as it affects so seriously the rights, privileges and comforts of American prisoners.

I am, Sir, Your ~~obedient servant~~,

Consul General.

No. 349

ASSISTANT SECRETARY
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No. 349.

U. S. CONSULATE GENERAL.

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HABANA, February 13.1897.

13

File
Sent by Sec.
File

Mr. LEE

TO THE

DEPARTMENT of STATE.

Arrest of Mr.Sylvester Scovel.

---------0---------

One enclosure.

---------0---------

No. 349.

U. S. CONSULATE GENERAL.

HABANA, February 13.1897.

Honorable W. W. Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith a copy of a letter received from Mr.Sylvester Scovel,a correspondent of the New York "World" recently arrested and now in the prison of Sancti Spiritus.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosure:-

Mr.Scovel to Mr.Lee,February 8.1897.

With Desp # 349

Copy.

Carcel of Sancti Spiritu,

Santa Clara, Cuba, Feb. 8. 1897.

General Lee,

Consul General of the U.S. in Cuba.

Dear General:-

I have had the misfortune to be without a military pass and was apprehended and am now in prison for that reason. I wished to return to Habana, and boarded the train for Tunas at the way station of Zaza. The Lieutenant of the Guardia Civil guarding the train, had been instructed by Luque to look out for an "Ingles" without papers. He saw me and, as I unfortunately came under that category, he took me into custody and later into jail. I cabled you the same night on arriving at Tunas (Feb. 6th.) by permission of the very gentlemanly Commandante of the port, but have received no answer.

Rafael Madrigal, the U.S. representative here, has also cabled and has done everything possible for my comfort. He should receive his credentials as soon as possible. He is a good man. All speak well of him.

I have been well treated and have now a well ventilated cell a bed and good food. Who could want more?---in prison.

As I don't see just how I have violated Spanish civil law and as my case has been handed over to civil jurisdiction, I can't quite "figure out" what crime I have committed.

I made my declaration to the "Judge of the first instance" yesterday afternoon and he courteously immediately put me "in communication" so my rights have so far been respected, I fancy.

I frankly told the Judge that I had gone into the field without let nor hindrance from any authority, in the performance of my legitimate duties as war correspondent, and that I I had never comported myself in any other manner.

I feel sure of your help: Remember me most kindly to your family, and believe me,

Yours respectfully,

(signed) Sylvester Scovel.

P.S. Kindly acknowledge receipt. (signed) Scovel.

350

No. 350.

U. S. CONSULATE GENERAL.

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HABANA, February 15.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Acknowledging the receipt of instructions and circular.

---------0---------

No. 350.

U. S. CONSULATE GENERAL.

HABANA, February 15.1897.

Honorable W. W. Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of the Department's instructions Nos.218 to 245 inclusive,with the exception of 243 which has not been received, also instruction No.161 1/2 which was received on the 1st.instant.

I have also the honor to acknowledge the receipt of the Department's circular,dated the 22nd.ultimo,the requirements of which will be carried out.

I am,Sir,

Your obedient servant,

Consul General.

No. 351.

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U. S. CONSULATE GENERAL.

HABANA, February 15, 1897.

15

Mr. LEE

TO THE

DEPARTMENT of STATE.

Destruction of American property and interests, as the result of the war going on in this Island.

2 Enclosures.

No. 351.

U. S. CONSULATE GENERAL.

HABANA, February 15,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to call your attention to the well known fact that American property and interests are being constantly destroyed as the result of the war going on in this Island. The Governor General's order requiring a receipt for the payment of the last quarter taxes to his Government, or that the place taxed should be abandoned, is productive of most serious consequences all over the Island, and by mail and by personal interviews I am almost daily informed of the devastation and burning of the buildings on American estates. The owners properly claim that not having been allowed to raise crops, money to pay taxes, has in most instances, been exhausted, therefore, it is impossible for them to comply with the instructions of the Governor and Captain General.

I am informed that General Pin in Santa Clara province was removed because he tolerated the grinding in some parts of the provinces, which if generally allowed might have yielded funds to pay these taxes. In this connection I enclose you a copy of a communication from General Weyler to Mr.Ponvert, Administrator General of the "Hormiguero Central Company", also a copy of a letter from our Consul at Sagua la Grande.

I am, Sir, your obedient servant,

Consul General.

2 Enclosures :
No.1. Copy of letter from Gen.Weyler.

No.2. Do. from Mr.Barker.

Enclosure No.1.

With Despatch No.351.

H A B A N A , Feb.15,1897.

Translation.

The GENERAL IN CHIEF OF THE ARMY OF CUBA . PERSONAL.

Santa Clara,8 Feb.,1897

To the Administrator of the Hormiguero Central Company.

Dear Sir:

I am sorry not to be able to grant your request to leave forces of the regular army in that estate,because the measure I have dictated applies to everybody,and I cannot make exceptions with any body,and less with that estate which has enjoyed a large production,due to considerations from General Pin,who should have never given them,and owing to which considerations you have been able to grind when others have not.

I am, etc.

(Signed) Valeriano Weyler.

Enclosure No. 2

With Despatch No. 351.

Habana Febl 17,1897.

Consulate General of the United States,

Sagua la Grande, Cuba Feb.12th.1897.

Hon.Fitzhugh Lee,

U.S.Consul General,

Habana.

Sir:-

In compliance with Department instructions, I have to report the following as vialations of treaty rights.

On the American owned sugar estate, in this district, Spanish authorities have driven from said estate "Natalia" two men employed by the owners to care for the property.

On the "Angelita", owned also by an American citizen, Spanish soldiers have not only ordered the men engaged to protect the residence and furniture to leave the property, but have directed that they remove the roof from the residence in which the furniture is stored.

I make known these facts to you, in order that you may acquaint the Captain General of the Island with the policy being pursued toward American citizens by his soldiers.

I am, Sir, Your obedient servant,
(signed) Walter B. Barker
Consul.

No. 352.

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U. S. CONSULATE GENERAL.

HABANA, February 15,1897.

Acknd. re Feb. 25/97

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to the fate of insurgents captured in hospitals on this Island.

Ans. Dept. Ask as to say that the Department disclaims any desire to interfere in matters of this character, but that the American view of the treatment of the fate of the captives of

No. 352.

U. S. CONSULATE GENERAL.

HABANA, February 15,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

While it is a fact that insurgents captured in hospitals on this Island are put to death, and while it is a fact that prisoners of war on either side are not treated as similar persons are in modern civilized warfare,I have not thought it necessary to go into such matters in detail,as the proofs are within the reach of those who desire information on that subject.

I am tempted,however, to lay the following facts before the Department,in reference to this subject,because it involves the uncertain fate of two Americans at the time of the capture of the hospital in Pinar del Rio by General Melguizo,in which Harry J.Delgado was sent here and died in a hospital in this city. I am told on excellent authority that General Melguizo stated they were 37 inmates of said hospital,of which three were Americans, and that he spared the lives of the Americans on account of his good disposition towards the United States. I am informed to-day that they were 41 in said hospital,38 of whom were killed and three of them,the Americans,were to have been sent to this city,but I can only find that one arrived here, namely: Delgado. So far all efforts to discover the fate of the other two have not been successful,but I will not relax my efforts in the future in that direction.

I am,Sir,your obedient servant,

Consul General.

Dup. 353 Confidential

No. 353.

ASSISTANT SECRETARY
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U. S. CONSULATE GENERAL.

HABANA, Feb.15, 1897.

15

Mr. McWhitaure
File

Mr. LEE

TO THE

DEPARTMENT of STATE.

File

Supplementary to despatch 332 of the 3rd Feb., relative to Chinese.

Confidential

No. 353.

U. S. CONSULATE GENERAL.

HABANA, February 15,1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

Since transmitting my despatch 332,of the 3rd instant,I have found in the desk of Vice Consul General Springer your instruction 122 of October 9th,1896,with accompanying copy of a letter from Mr.W.E.Curtis,Acting Secretary of the Treasury, dated Oct.7th, and also an accompanying copy of a letter to Hon.John G.Carlisle,Secretary of the Treasury,from Mr.J.Thomas Scharf,Chinese Inspector of New York. I have also found your instruction 57, of Aug.14,1896,enclosing an unsigned letter from New York to Hon.Richard Olney,Secretary of State,stating that there was an understanding between the Chinese in New York, and that the U.S.Vice Consul general at Havana was favorable to the project of visaing certificates to Chinese to enter the United States as merchants. Consul General Williams had refused to visa in such cases because he was satisfied they were frauds, and that as soon as a change was made in the head of the office here things would be all right;and that further,since my arrival at Havana the Chinese had commenced to arrive in New York again,as they had done before Consul General Williams stopped it.

In view of all this I was induced to send my said despatch 332 of the 3rd instant,in reference to the matter.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

No. 354.

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U. S. CONSULATE GENERAL.

HABANA, February 16,1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to case of SCOVEL.

1 Enclosure.

No. 354.

U. S. CONSULATE GENERAL.

HABANA, February 16th, 1897.

Honorable William W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

I have the honor to transmit herewith a copy of a telegram received from Tunas de Zaza, the cable station of Sancti Spiritus, referring to the case of Scovel.

I am, Sir, your obedient servant,

Consul General.

1 Enclosure: Copy of telegram referred to.

Enclosure No.1.

With Despatch No.354.

H A B A N A , February 16,1897.

TRANSLATION.

TELEGRAM.

TUNAS de ZAZA.

Recd.Habana,15 Feb.,1897.

Lee,Consul General,

Habana.

Scovel treated like a king - his cell in jail ample and clean - c onsular agent Madrigal providing him with all comforts - authorities courteous - preliminary proceedings concluded - Charges: First: rebellion for travelling in the country without a military pass - he attempted no act of rebellion - Second: possessing a false cedula - Third: obtaining same - Fourth : making use of same. First charge preferred in the bando declaring state of war. Preliminary proceedings leave Friday for Santa Clara. Scovel will remain here until date of trial is designated. I will arrive at Santa Clara tomorrow to activate matter,and thence by train to Havana. Only notes eulogizing the spanish soldier were found on Scovel. I forward reports and documents ,through Madrigal,by steamer leaving to-night.

Copy.

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Habana
February 16. 1897

Confirmed Feb. 23/97

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All **CABLE MESSAGES** received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

DEPT. OF STATE
FEB 16 2 06 PM
RECEIVED

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

All Offices (21,000) of the Western Union Telegraph Company and its Connections.

206 P

OFFICES IN GREAT BRITAIN:

LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: No. 8 Rumford Street.
GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
212	a w 2		74	Govt Havana

RECEIVED at Washington D C Feb 16th 189 7

Feby 16 Assistant Secretary State Washn

Apartments Cell Daneté Spiritus large Clean is Provided with all Comforts More Comfortable there than would be here do not recommend his transfer now Charged first rebellion for Travelling in the Country without Military Pass second possessing false Pass third obtaining same fourth making use of same Preliminary Proceedings closed date trial not fixed No Papers found on him except notes enflogistic Spanish soldier Lee

No. 355.

ASSISTANT SECRETARY
FEB 23 1897
DEPARTMENT OF STATE.

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U. S. CONSULATE GENERAL.

HABANA, February 17, 1897.

17

Mr. LEE

TO THE

DEPARTMENT of STATE.

Cases of "Competitor" prisoners.

No. 355.

U. S. CONSULATE GENERAL.

HABANA, February 17th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

With reference to your telegram of the 11th January last, directing me to inquire and report why Competitor cases are not proceeded with, and to previous correspondence on the subject, I now beg to report that the Acting Captain General informs me, under date of the 13th instant, that he has asked the Commandancy General of Marine of this Naval Station for facts, in connection with said cases.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

Copy. 356

No. 356.

U. S. CONSULATE GENERAL.

ASSISTANT SECRETARY
FEB 23 1897
DEPARTMENT OF STATE.

HABANA, February 17,1897.

17

Cardenas indicted.
Feby. 24.

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Mr. LEE

TO THE

DEPARTMENT of STATE.

Case of Frank J.Larrieu.

No. 356.

U. S. CONSULATE GENERAL.

HABANA, February 17th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

With reference to your telegram of the 15th January last, directing me insist, in the cases of Frank J. Larrieu and others, that charges be immediately communicated to you or men released, I now beg to report that the Acting Captain General informs me, under date of the 13th instant, that the case of Larrieu is now pending before the proper civil court of Cardenas.

I am, Sir, your obedient servant,

Consul General.

No. 357.

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U. S. CONSULATE GENERAL.

HABANA, February 17, 1897.

17

Recd. Feby 24.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Case of Esteban Venero.

No. 357.

U. S. CONSULATE GENERAL.

HABANA, February 17th, 1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

With reference to your telegram of the 15th January last, directing me to insist, in the cases of Esteban Venero and others, that charges be immediately communicated to you or men released, I now beg to report that the Acting Captain General informs me, under date of the 13th instant, that the case of Venero has been referred to the civil jurisdiction on the 16th December last.

I am, Sir, your obedient servant,

Consul General.

No. 358.
358

Answd Feby 24 / To Madrid Nov 12

ASSISTANT SECRETARY
FEB 23 1897
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U. S. CONSULATE GENERAL.

HABANA, February 17,1897.

17

Mr. LEE

TO THE

DEPARTMENT of STATE.

Case of Jose Gonzalez.

No. 358.

U. S. CONSULATE GENERAL.

HABANA, February 17th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

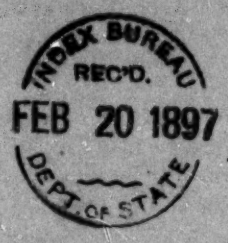
With reference to the case of Jose Gonzalez and others, referred to in your telegram of the 15th January last, directing me to insist that charges be immediately communicated to you or men released, I now beg to report that the Acting Captain General informs me, under date of the 13th instant, that the question of competency between the war and civil jurisdiction in the case of Gonzalez, is now pending before the Judge Advocate general.

I am, Sir, your obedient servant,

Consul General.

No. 359.

U. S. CONSULATE GENERAL.



HABANA, February 17, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Confirming telegrams.

No. 359.

U. S. CONSULATE GENERAL.

HABANA, February 17th, 1897.

Honorable William W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

I have the honor to confirm the following telegrams to you:

(Feby. 10, 1897)

(1) "Order prohibiting exportation leaf tobacco applies "to products Pinar and Havana provinces. Undoubtedly bales re- "ferred Department cable of eighth are products other provin- "ces".

(2) (Feb. 11, 1897)

"Scovel in well ventilated cell, good food and bed at "Sancti Spiritus. Treaty rights have been respected, is in hands "civil jurisdiction . Have sent special messenger to report on "the case".

(3) (Feb. 15th, 1897)

"Scovel's cell Sancti Spiritus large clean, is provid- "ed with all comforts, more comfortable there than would be here, "do not recommend his transfer now. Charged, First: rebellion "for travelling in the country without military pass. Second: "possessing false pass. Third: obtaining same. Fourth: making "use of same. Preliminary proceedings closed. Date trial not "fixed. No papers found on him except notes eulogistic spanish "soldier".

I am, Sir, your obedient servant,

Consul General.

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ASSISTANT SECRETARY
FEB 27 1897
DEPARTMENT OF STATE

TELEGRAM RECEIVED.

From Havana

February 18, 1897.

Received M.

Confd March 1/97

Assistant Secretary
of State
Washington, DC.

Ladies searched on Plant American Steamer anchored in port February tenth; searched twice ashore before. Women employed to do it. Did not communicate earlier because confirmation wanted. Instruct as to allowing such proceedings in future whether Americans or not.

Lee.

TELEGRAM RECEIVED. Cipher

From Havana

February 18, 1897.

Received M.

Assistant Secretary
of State.
Washington, DC

Great excitement about paper money. 20 millions already issued, ten millions more ordered; fallen over 30% below silver. Proclamation orders it received at par and to be redeemed at pleasure, but there is no silver, it is said, now to redeem it. Trouble and violence at any time in consequence.

Lee.

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ASSISTANT SECRETARY
FEB 27 1897
DEPARTMENT OF STATE

TELEGRAM RECEIVED.

Cipher

From Havana

February 18, 1897.

Received M.

Cuba
March 1/97

Assistant Secretary
of State,
Washington.

Revolutionary Government officers with insurrection-
-ary Commander in chief in Santa Clara were passed
over Eastern Spanish military line into Puerto Prin-
-cipe. Insurgent chief then returned to Spanish
Commander in Chief vicinity Santa Clara and is
reported to have passed his flank and is marching
West. No provinces pacified, no peace in sight.
My confidential report last June corrected account
to day and fully verified by intermediate events.

Lee

TELEGRAM RECEIVED. Cipher

CIPHER BUREAU RECD. FEB 18 1897 DEPT. OF STATE

From Havana

February 18, 1897.

Received M.

Assistant Secretary of State.

Washington, DC

American dentist Richard Ruiz died yesterday in cell at Guanabacoa where he had been kept for 315 hours "no communication" [incommunicado]. One report, solitary confinement in a filthy dark place caused loss reason; another, killed himself; another, that he was beaten to death. Original charge against him absolutely false. We shall investigate at once and if [there] has been foul work, will demand fullest indemnity.

Lee.

No. 360.

Answd Feby 24. / To Madrid Nov 12

U. S. CONSULATE GENERAL.

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HABANA, February 18th, 1897.

18 7

Mr. LEE

TO THE

DEPARTMENT of STATE.

Case of JOSE GONZALEZ, imprisoned at Pinar del Rio.

Today's mail

February 24, 1897.

Consular Bureau:

Acknowledge receipt of General Lee's Nos. 358 and 360 by subject and referring to his statement contained in the latter despatch, that the case of Jose Gonzalez has been referred to the proper civil court, instruct him to ascertain charges against the prisoner, management of the case and treatment the prisoner has and is receiving.

MAR

dom. copy

No. 360.

U. S. CONSULATE GENERAL.

HABANA, February 18th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

With reference to my previous despatch of yesterday No. 358, relative to the case of the American citizen JOSE GONZALEZ, imprisoned at Pinar del Rio, I beg to report that the Acting Captain General informs me that his case has been referred to the proper civil court.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

Deciphered by Eh W

TELEGRAM RECEIVED.

ASSISTANT SECRETARY
FEB 27 1897
DEPARTMENT OF STATE.

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FEB 20 1897
DEPT. OF STATE

From Habana

February 19, 1897.

Assistant-Secretary State
Washington.

Received 7.35 P M.

Confd Inclosure 1/37

Editor, El Liberal, Madrid, just returned, from a visit, insurgent commander; and says that he will have nothing to do with reforms, and Spain cannot possibly suppress the insurrection,

Lee

Y. Bur Cons
File

TELEGRAM RECEIVED.

ASSISTANT SECRETARY
FEB 19 1897
DEPARTMENT OF STATE.

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FEB 19 1897
DEPT. OF STATE

From Havana

February 19, 1897.

Received 12:48 P. M.

Assistant Secretary
of State
Washington, DC

Does the Department hold it is violation Treaty rights to keep American prisoner over seventy-two hours without communication.

Lee

Conf. Mch. 10/97
File

Deciphered by E.h.W.

TELEGRAM RECEIVED.

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DEPT. OF STATE

From Havana.

February 19, 1897.

Received 7.35 P M.

Assistant Secretary of State
Washington.

Ruiz, an, athlete, and in, perfect, health; prior to, arrest, was, thrown, in, closed, cell; three, and, half, feet by, five, No, opening; for, light; Sat, and, sleeping, on, filthy, stone, paving, went mad,

Lee,

Con ✓ Deciphered by E L W

TELEGRAM RECEIVED.

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FEB 20 1897
DEPT. OF STATE

From Havana

February 19, 1897.

Assistant Secretary of State
Washington.

Received 5.37 P.M.

Personally investigated at Guanabacoa yesterday death + Ruiz imprisoned on a charge of complicity gained capture train + between Havana Guanabacoa by the insurgents + January sixteenth No truth to charge Never had + connection ~~with any~~ in any way insurrection was a graduate + Pennsylvania school dentistry Philadelphia attended strictly profession was physically strong never + sick placed in small closed cell + for three hundred fifteen hours + No one allowed to see him Died + from neglect or violence because deranged + Attended autopsy severe contusion tops + head Died congestion brain no + fracture skull All knowledge confined to + officials Very difficult to ascertain the facts suggest demand + from Spanish Government the release of all Americans imprisoned + Cuba,

Lee

TELEGRAM RECEIVED IN CIPHER

From Habana

Feb 20 1897.

Rec'd " " " 553

Cnfd Feb 21/97

Assistant Secretary of State.

Washington

Spanish authorities apologized

and reprimanded officials

who prohibited Consul at

Sagua telegraph

Lee.

Deciphered by
E.I.R. Feb 21
10 35 Am.

No. 361.

INDEX BUREAU
REC'D.
FEB 24 1897
DEPT. OF STATE

ASSISTANT SECRETARY
FEB 25 1897
DEPARTMENT OF STATE

U. S. CONSULATE GENERAL.

HABANA, February 20th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Answering instruction No.238 of the 1st instant.

No. 361.

U. S. CONSULATE GENERAL.

HABANA, February 20th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

Replying to your instruction of the first instant, number 238, in reference to an order, which you enclose, forbidding the grinding of cane, I have the honor to enclose a despatch from the Consul at Sagua, as well as to return the original order from the Military Commandant of Cifuentes.

I am, Sir, your obedient servant,

Consul General.

Enclosures as stated.

No. 362.

DIPLOMATIC
FEB 25 1897
BUREAU.

ANT SECRETARY
FEB 25 1897
DEPARTMENT OF STATE.

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REC'D.
FEB 24 1897
DEPT. OF STATE

U. S. CONSULATE GENERAL.

HABANA, February 20th, 1897.

To Madrid Feb 26

Acked March 1/97

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to the prohibition of the Mayor of Sagua to our Consul there to telegraph to me.

1 Enclosure.

See Message to Congress May 10 97

No. 362.

U. S. CONSULATE GENERAL.

HABANA, February 20th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

With reference to my telegram of the 9th instant, confirmed in my despatch number 338 of the same date, relative to the prohibition of the Mayor of Sagua to allow the Consul there to telegraph to me, I enclose herewith copy-translation of a communication received to-day from the Acting Governor General in reply to my demand of explanation of the matter.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: Copy referred to.

Enclosure No.1.

With Despatch No.362.

H A B A N A , Feb.20,1897.

Translation.

GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

As I had the honor to state in my communication of the 10th instant I asked the Civil Governor of Santa Clara to report regarding the order of the Mayor of Sagua not to allow a cypher telegram addressed to you by the Commercial Agent of the United States there to pass, the said Governor reports that the said Mayor, erroneously interpreting the order of this General Government not to allow personal cypher telegrams to pass without previously exhibiting the code, refused to allow the said cypher telegram to pass from the Agent referred to.

In view thereof and in order to avoid the repetition of such acts, I have order that the Mayor be severely reprimanded and that the Governors and Mayors be hereafter instructed not to obstruct official telegrams addressed by the U.S.Commercial Agents or consuls in this Island to their superiors or inferiors.

I am, etc. Habana 18 Sept.,1897.

(Signed) EL Marques de Ahumada.

To the Consul Gen.of the United States.

No363.

ASSISTANT SECRETARY
FEB 25 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

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REC'D.
FEB 25 1897
DEPT. OF STATE

HABANA, February 20,1897.

The Secretary

Mr. LEE

TO THE

DEPARTMENT of STATE.

Arrest, imprisonment and death of the American citizen, Dr. RICARDO RUIZ, at Guanabacoa.

No. 363.

U. S. CONSULATE GENERAL.

HABANA, February 20th, 1897.

Honorable William W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir: (18 4 (?))

Confirming my telegrams of the 8th instant, I have the honor to report that I visited Guanabacoa and personally investigated the horrible death of the American dentist RICHARD RUIZ. He was arrested, charged with participation in stopping and robbing a passanger train between Regla and Guanabacoa on the 16th January last, this same charge was brought against a large number of other citizens of Guanabacoa, who have also been imprisoned.

It will be remembered that the circumstance referred to was a very clerverly executed attack by the insurgent chief Aranguren, who captured the Spanish officers and soldiers on the train, as well as a large sum of money in the possession of an army pay master. I doubt very much whether a single citizen of Guanabacoa knew in advance of this movement of Aranguren, who had probably marched a long distance before reaching the train. At any rate there is the overwhelming testimony that Dr. Ruiz was in his own house and bed that evening when the Insurgents attacked said train. He is reported to have always applied himself strictly to his profession and had no entangling alliances or connections with the Insurgents. Dr. Ruiz was arrested on the morning of the 4th instant, about 9 o'clock, taken to jail and thrown in a small cell, whose dimensions, I am informed, are 3 by 5 feet, with no window, a rough stone floor, one door in which was cut a six inch square opening to put the food through, which aperture was kept shut, except when so used.

No. 2.

U. S. CONSULATE GENERAL.

HABANA,

In that little closed,dark cell,he was kept incomunicado (deprived of outside intercourse) 315 hours,and only taken out the day before he died and placed in a larger cell,where I found his body.

A post-mortem examination by two spanish physicians and Dr.Burgess,United states sanitary Inspector here,who I carried with me,revealed the fact that there were no external wounds, except a contusion on the top of his head,which evidently resulted from some blow committed on himself in his delirium, or by some jail official. While the skull was not fractured, death was the result of congestion of the brain,and Dr.Burgess is of the opinion that the blow on the top of his head was sufficient to produce such congestion.

I had his body delivered to his family for burial. He leaves a wife and five children. His death was undoubtedly due to neglect or violence. The confinement in this miserable little cell,without furniture of any sort,with no place to sleep,except the dirty,rough floor,with no light,and no communication, and,as I am informed,not cleaned nor attended to,so that it became foul from excremental alvine discharges,all of which naturally had its effects upon his mental faculties and produced delirium. It is said that his cries two or three days before his death were heartrending,but no notice seems to have been taken of his condition until some 24 hours before his sufferings were terminated by death. A Doctor who then visited him,and prescribed some palliative,was the last person who went near him,although he did not die until the next day at 1 p.m. Dr.Ruiz spent five years in Philadelphia,and graduated at the pennsylvania College of Dentists about 1878,I

U. S. CONSULATE GENERAL.

HABANA,

---

think. I saw his diploma in his house at Guanabacoa. He is represented as being devoted to a profession, which closely claimed his time and work, and was regarded as an honest, upright, conscientious, as well as a skilful dentist.. The evidence proves that prior to his arrest he was a man of strong physical powers, athlete and muscular, and had never been ill in any way. Some idea can be formed of the horrors of his treatment by the fact that his fine, robust manhood could not survive it.

It is difficult to fix a reparation sufficient to meet this case, certainly nothing that can be satisfactory to his widow and fatherless children. I would recommend that I be instructed to demand the release of all American prisoners, who are suffering and lingering in the prisons and jails here, and who have no reasonable prospect of their cases being taken up and decided upon, one way or the other, by the spanish courts, or if the Governor and Captain General here has not that power, because their cases are in the hands of the civil and military courts, that the demand be then made by the Government of the United States upon the proper Spanish authorities at Madrid.

I am, Sir, your obedient servant,

Consul General.

364

No. 364.

DIPLOMATIC
FEB 27 1897
BUREAU.

ASSISTANT SECRETARY
FEB 25 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

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Secretary of State.
FEB 27 1897

HABANA, February 20th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Report on the military situation of the Island of Cuba.

No. 364.

U. S. CONSULATE GENERAL.

HABANA, February 20th, 1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

I have the honor to report that the military situation here is, for all practical purposes, unchanged, from Pinar del Rio on the West, to Santiago de Cuba on the East. The Spanish troops garrison the cities and towns, while the insurgents roam in small bodies, generally, over the rural sections.

There has been, as previously reported, over 200.000 armed men in the Spanish ranks, their effective force is probably 20.000 less than that number.

As far as I can ascertain the armed insurgents amount to about 35.000 men, approximately distributed as follows:

Pinar del Rio province	5500
Havana province	3800
Matanzas province	2400
Santa Clara province	6500
puerto Principe province	9800
Santiago de Cuba province	6500
Total	34500

They are armed, principally with Remington rifles and carbines. They also have several thousand magazine rifles and 67000 Mauser rifles.

The number of their armed men who have surrendered within the past two months is insignificant. I draw the conclusion, therefore, that there are more armed men mustered under the insurgent banner to-day than they were at the time of my taking charge of this office, because arms have been furnished to numbers of armed men since general Weyler, the Governor and Captain

U. S. CONSULATE GENERAL.

HABANA,

General of the Island, is now operating in the eastern district of Santa Clara province. The old trocha, situated in the western part of the province of Puerto Principe, running from Moron, near the north coast, to Jucaro on the south coast, a distance of about 43 miles, has been greatly strengthened by the Spaniards building some 6 or 700 forts along at intervals of a few hundred yards; and also ditches have been cut and barbed wire fences have been erected. It is understood that this line of works will be permanently garrisoned by 15000 Spanish troops.

The plan of the campaign seems to be to shut off the large number of insurgents in Santiago de Cuba and Puerto Principe provinces, from the remainder of the Island.

The great food producing power of this Island and its topographical features combine to make it the conditions favorable for defensive guerrilla warfare, such as the insurgents are pursuing. To concentrate with them is to starve, while the loss of a large battle would mean the loss of their cause. If the prolongation of the war means ultimate success to them, the policy pursued of not losing a man or a cartridge if possible, is in my judgement correct.

I see no reason why I should change former frequently repeated opinions: that the war here with all its extraordinary and unusual horrors will continue for many long motnhs yet, unless brought to a close by outside interference. The policy of the United States not to allow other nations to put an end to the struggle here makes it more obligatory, in my opinion, to the Government of the United States, to take such action, in the interest of peace, prosperity, human life, commerce

No.

U. S. CONSULATE GENERAL.

HABANA,

and American progress.

I am, Sir, ~~your obedient servant,~~

Consul General.

No. ~~365.~~

ASSISTANT SECRETARY
MAR 9 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

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RECD.
FEB 25 1897
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HABANA, February 20.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Confirming telegrams.

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No. 365.

U. S. CONSULATE GENERAL.

HABANA, February 20.1897.

Honorable William W. Rockhill,

Assistant Secretary of State,

Washington .

Sir:-

I have the honor to confirm the following telegrams:-

Habana,Feb.17.1897.

"Assistant Secretary of State,Washington.

F.J.Cazanas a citizen of the United States arrested Sagua,13th.report from Consul forwarded by mail today. Proceedings a great outrage similar cases here and elsewhere on Island. No Redress can be obtained here.

(signed) Lee"

Habana,Feb.18.1897.

"Assistant Secretary of State,Washington.

American dentist Richard Ruiz died yesterday in cell at Guanabacoa where he had been kept for 315 hours without communication. One report, solitary confinement,filthy dark place caused loss reason and he killed himself. Another, that he was beaten to deatha Original charge against him absolutely false. Shall investigate at once and if has been been foul work demand fullest reparation.

(signed) Lee"

Habana,Feb.18.1897.

"Assistant Secretary of State,Washington.

Great excitement about paper money. Twenty millions already issued,ten millions more ordered. Fallen over thirty percent below silver. Proclamation orders it received at par and to be redeemed at pleasure,but there is no silver it is said now to redeem it. Trouble and violence at any time in

No.

U. S. CONSULATE GENERAL.

HABANA,

---

consequence. (signed) Lee"

Habana, Feb. 18. 1897.

"Assistant Secretary of State, Washington

Ladies searched on Plant American steamer anchored in port, and twice searched ashore before women employed to do it. Did not communicate earlier because confirmation wanted. Ask Instructions as to allowing such proceedings in future.

(Signed) Lee"

Habana, Feb. 18. 1897.

"Assistant Secretary of State, Washington.

Revolutionary Government officers which have been with Insurgent Commander in Chief in Santa Clara were passed over eastern Spanish military line a few days ago into Puerto Principe. Insurgent Chief then returned to ~~Wilcox~~ Weylers vicinity in Santa Clara and is reported to have passed his flank and be marching west. No provinces pacified. No peace in sight. My confidential report last June correct account today and fully verified by intermediate events. (signed) Lee"

Habana, Feb. 19. 1897.

"Assistant Secretary of State, Washington.

Does the Department hold it is violation treaty rights to keep American prisoners over 72 hours without communication.

(signed) Lee.

Habana, Feb. 19, 1897.

"Assistant Secretary State ,

Washington.

Competent lawyer obtained at Santa Clara to defend Scovel who will remain at Sancti Spiritus until trial Santa Clara. Date not yet fixed. (Signed) Lee ".

No.

U. S. CONSULATE GENERAL.

HABANA,

Habana ,Feb.19,1897.

"Asisstant Secretary State,

Washington.

Personally investigated at Guanabacoa yesterday death Ruiz. Imprisoned on the charge of complicity capture train between Havana and Guanabacca by the insurgents Jan.16. No truth to charge. He had never connection in any way insurrection. Was a graduate Pa. school dentistry,Philadelphia. Attended strictly profession,was physically strong,never sick. Placed in small closed cell for 315 hours. No one allowed see him. Became deranged,died from neglect or violence. Attended autopsy, severe contusion top head,congestion brain,no fracture skull. All knowledge confined to officials ,very difficult to ascertain facts. Suggest demand from Spanih Govt.the release of all Americans imprioned Cuba . (Signed) Lee".

Habana,Feb.19,1897.

"Assistant Secretary State,

Washington.

Referring previous despatch, see last sentence article 20 page 1013 Treati es. Also article 497 Law of Criminal Procedure Cuba and Porto Rico. (Signed) Lee".

Habana,Feb.19,1897.

"Assistant Secretary State,

Washington.

Editor EL LIBERAL Madrid just returned from insurgent commander in chief. Says he will have nothing to do with reforms and Spain cannot possibly suppress insurrection. Lee".

No.

U. S. CONSULATE GENERAL.

HABANA,

Habana, Feb. 19, 1897.

"Assistant secretary State,

Washington.

Ruiz an athlete and in perfect health prior arrest. Was thrown into closed cell 3½ by 5 feet. No opening for light, sat and slept on filthy stone pavement, went mad. (Signed) Lee"

Habana, Feb. 20, 1897.

Assistant secretary State,

Washington.

Spanish authorities apologize and reprimand officials who prohibited Consul Sagua telegraph. (Signed) Lee".

Habana, Feb. 20, 1897.

Assistant Secretary State,

Washington.

Charles Scott citizen United States, arrested Regla. No charge given. Been without communication jail Havana 264 hours. Cannot stand another Ruiz murder and have demanded his release. How many war vessels Key West or within reach? And will they be ordered here at once if necessary to sustain demand.

(Signed) Lee".

I am, Sir, your obedient servant,

Consul General.

Copy.

TELEGRAM RECEIVED.

From Havana

Feby 22d, 1897

Secretary of State
Washington

Received ____ M.

Ruiz registered at this Consulate twenty first January 1880 naturalized Philadelphia Court quarter sessions. Fact registration shows possessed naturalization papers and possessing them was a citizen of the United States fully entitled to protection of the United States. Was arrested and kept without communication over 72 hours as has been done always with American citizens and against which I have protested again and again without avail. This person was confined in Guanabacoa over the harbor 4 miles away sick or out of his mind 2 days before death Have no knowledge of his condition until after death or it would have been promptly investigated. Repeat he died from neglect or violence. Blow on top head caused death in Dr Burgess opinion and whether administered by himself when crazy or as now said by jail (?) or Truth known only to officials but outside testimony

TELEGRAM RECEIVED.

From _____

_____, 189

2

_____ Received _____ M.

_____

_____

Strong as to main facts but difficult to obtain at any investigation because witnesses afraid to testify. To prevent repetition and stop prolonged confinement in cells of American citizens without communication demanded that Scot already incomunicado two sixty four hours should be taken out and placed on terms of general prisoners which I think will be done. Wanted to know if government would sustain said demand and am greatly worried. The press should have published it and am investigating to find how knowledge obtained Person has been Madrid says Spanish authorities have key to cipher through it good opportunity to demand the release of all Americans who have been long confined. We shall not prospect immediate trial and so suggested Scot son native American registered 1871 release from incommunicado not total release demanded

TELEGRAM RECEIVED.

From _____

3 _____, 189

_____ Received _____ M.

Depreciate war seen too much of it
Actuated only by desire to serve the President
and you and American interests. If action
not indorsed remedy in your hands and
you should not hesitate to employ it. No one
not here can appreciate the situation.

Lee.

Riddle

Copy.

TELEGRAM RECEIVED.

From Havana

February 23, 1897.

Received M.

Secretary of State
Washington.

Acting Captain-General ni polite note says he will have Ruiz matter promptly investigated and report. Wife was not allowed to send bed or hammocks, but a chair finally admitted. She sent for it after death and yesterday found, marked on back, message to her and children after naming them he says (Quote) "Good bye, my children of my life. I give you my blessing. Be obedient to your mother. They will kill me. If I am taken to Havana, tell everything. Good bye, Rita of my soul." (Quote is ended). Have chair and have read message. It had not been noticed by any one before. Have given nothing to press. Leak somewhere ni cipher despatches. Am informed that your long despatch was sent to Palacer Reached me yesterday morning.

Lee.

COPIED. FOREIGN RELATIONS.

Habana,
February 24. 897.

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MAR 3 1897
DEPT. OF STATE

File

m No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

Secretary of State.
FEB 25 1897

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
ONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
ABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

All Offices (21,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

NDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: No. 8 Rumford Street.
GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS	FROM
1 Co.	Q.. FY.	U.S.Govt,	HAVANA 38, Feby 24	

ECEIVED at _____ 189

Secretary State, WASHINGTON.

Have absolute withdrawal of appeal Sanguilys case. Can so cable Madrid. it is understood of course if not pardoned appeal be again taken as withdrawal leaves original sentence in full force.

LEE.

621pm,

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REC'D.
FEB 25 1897
DEPT. OF STATE

Consulate General of the U.S.
Havana, February 24. 1897

Confirmed
Feb. 27/97

FORM No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All **CABLE MESSAGES** received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
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BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
329. 3	CO.K.PR.	Gvt 38		Havana.

RECEIVED at 755 PM. Washington D.C. Feb 24-97. 189

1552

Feby 24. Assistant Secretary State---Washington.

Francis Casanas registered here already insisted his treaty rights should be respected. Captain General replied two days ago facts in case are being ascertained Sagua will report result.

Lee, Consul General.

929

TELEGRAM RECEIVED IN CIPHER.

From Havana, February 24, 1897.

Secretary of State,

Washington,

Could not watch Ruiz case before death because he was incomunicado. There is good evidence was killed in an attempt to make him confess connection attack on rail road.

Lee.

Biddle.

Deciphered by E.L.W.

Dougl.

TELEGRAM RECEIVED.

From Havana

February 24, 1897.

Received 5.20 P.M.

Secretary of State
Washington

Confidential, Cannot the President see way clear before leaving office to demand capital punishment for all persons concerned Ruiz murder if such fact properly proved, Nothing can prevent Cuban matter very soon settling itself. I am deeply interest(ed) that administration should participate

Lee,

No. 367.

ASSISTANT SECRETARY
MAR 8 1897
DEPARTMENT OF STATE.

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MAR 3 1897
DEPT. OF STATE

U. S. CONSULATE GENERAL.

HABANA, February 24.1897.

Mr Lee

to the

Department of State.

----------O----------

Confirming telegrams.

Within telegrams from Dept. confirmed Mch 2nd 1897

----------O----------

No. 367.

U. S. CONSULATE GENERAL.

HABANA, February 24.1897.

Honorable W.W.Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to confirm the following telegrams:-

Scott

Habana,22.February,1897.

"Secretary of State,Washington.

Ruiz registered at this Consulate 21st.January,1880. Naturalized Philadelphia Court Quarter Sessions. Fact registration shows he possessed naturalization papers,and possessing them was fully entitled to protection of the United States. Was arrested and kept incomunicado over 72 hours,as has been done always with American citizens and against which I have protested again and again without avail. This person was confined Guanabacoa,over the harbor 4 miles away. Was only sick or out of his mind two days before death. Had no knowledge of his condition until after death,or it would have been promptly investigated. Repeat he died from neglect or violence Blow on top head caused death in Dr.Burgess'opinion, and whether administered by himself when crazy or as now said by jailer. Truth known only to officials,but outside testimony strong as to main facts,but difficult to obtain at any investigation because witnesses afraid to testify. To prevent repetition and stop prolonged confinement in cells of Americans without communication demanded that Scott,already incomunicado 264 hours, should be taken out and placed on terms general prisoners, which I think will be done. Wanted to know if Government would sustain said demand; and am greatly worried the press should have published it and am investigating to find how knowledge obtained. Person who has been Madrid says Spanish authorities have key to cypher. Thought it good opportunity to demand release of all Americans who have been long confined with no prospect immediate trial,and so suggested. Scott son native Americans. Registered 1871. Release from incomunicado,not total release,demanded. (signed) Lee".

Habana,February 23.1897.

Scott

"Secretary of State,Washington.

Situation simple. Experience at Guanabacoa made it my duty to demand before too late that another American who had then been incomunicado 264 hours be released from said incomunicado,and did so in courteous terms. If you support it,and Scott is so released the trouble will terminate. If you do not I must depart. All others arrested with Scott have been put in communication. Why should only American in lot not be? Has been incomunicado now 336 hours. (signed) Lee."

Habana,February 23.1897.

"Secretary of State,Washington.

Acting Captain General in polite note says he will have Ruiz matter promptly investigated and report. Wife was not

Mar 13 15 L. de

No.

U. S. CONSULATE GENERAL.

HABANA,

allowed to send bed or hammock but a chair finally admitted. She sent for it after death and yesterday found marked on back message to her and children. After naming them he says:- 'Goodby my children of my life. I give you my blessing. Be obedient to your mother. They will kill me. If I am taken to Habana, tell everything. Goodby, Rita, of my soul! .Have chair and have read message. Had not been noticed by anyone. Have given nothing to press. Leak somewhere in cypher despatches. Am informed your long despatch was sent to Palace. Reached me yesterday morning. (signed) Lee."

2 Scott

Secretary of State. Habana, Feb.23.1897.
"Demand complied with. Scott released from incomunicado.
(signed) Lee."

Habana, February 23.1897.

"Secretary of State, Washington.

2 Scott

Scott released from incomunicado today, on my demand, after 14 days confinement in cell 5 feet by 11 . Damp. Water on bottom cell. Not allowed anything sleep on or chair. Discharges of the body removed once in four days. Was charged with having Cuban postage stamps in house. Scott says went always 12 hours without water: once two days. Was employee American Gas Company. (signed) Lee."

I also acknowledge the receipt of the following:-

Scott

"Lee American Consul General, Habana, Cuba. Feb. 21 97

Your despatch of yesterday respecting Scott case following recent despatches respecting Ruiz indicates views and purposes which are not understood and require explanation. Ruiz was arrested to your knowledge fourth instant . Died seventeenth, it being your duty to protect him before death as afterwards fully explain what you did as to charges or as to his treatment before death. If he was maltreated why did you not interfere and if your interferance not regarded, why did you not represent case to the Department? He was a native Cuban naturalized, if at all, many years ago, but is said to have permanently resided in Cuba, and thus to have forfeited any right to U.S. protection. Have you ascertained facts on these points, if not explain why not and investigate and report about them without delay. Again respecting Ruiz despatch nineteenth states all knowledge confined to officials, very difficult to ascertain facts. Why do you assume and claim that he was murdered and what other demand is now possible except demand for investigation? Will you explain further what you mean by suggestion that demand be now made for release of all Americans imprisoned in Cuba? Is it the idea that such demand, which must be refused, can be made the basis for hostile intervention or demonstration? In Scott case explain how you know he is a citizen of the U.S., whether by birth or naturalization, when and where he was, and under what circumstances, where he has been confined, how he has been treated, what you have done in assertion of his rights, or to secure him proper treatment, and why you demanded release only after 264 hours. The United States makes demands only when prepared to enforce them, and therefore only on assured grounds, and in the complete uncertainty as to

Rec'd Feb 3 1917
Mar 1 1917
Pat Brooks

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the facts, the suggestion as to war is most surprising.
(signed) Olney."

Washington, Feb. 23. 1897.

"Lee, Consul General, Habana.

Have yours yesterday. As you knew Ruiz arrested 4th. inst. and assumed him entitled to protection as U.S. citizen, regret you did not watch case and make sure proper treatment. Observe utmost vigilance as to like cases in future. You are wholly mistaken in thinking prisoner necessarily entitled to U.S. protection because having taken out naturalization papers: Even native born citizen may forfeit by long continuous residence abroad and evasion of citizenship duties. Much more does naturalized citizen incur such forfeiture when naturalization papers are ~~(reqining)~~ end of citizenship adjurations permanently in native country. Naturalization papers of course make prima facie case enough to proceed on in first instance, but full investigation should follow. You will therefore investigate and report respecting Ruiz as requested in my last despatch. American contention is that American prisoners cannot remain incomunicado more than 72 hours, and you are right in always insisting upon it, but it can be enforced against opposite Spanish contention only by war and is practically thought not theoretically conceded by Spain. Every case of emphatic ~~( ) insisting~~ thus, as you say it will be probably conceded in case of Scott, and perhaps would have been in case of Ruiz. You now qualify your former despatch as to demand for release of all American prisoners, by saying prisoners long confined, but demand for release or trial of those taken with arms in hand and without defence might simply mean for them death or perpetual imprisonment. Relief for American prisoners constantly engaged best attention of the Department, and would be much more effective but for demonstrations here, which keep Spanish Government ~~------ it amplifies~~ People constantly irritated. Same consideration should make your course most circumspect. That you are greatly worried as you say, I can understand, but your worry must not prevent your keeping cool head and strictly limiting your efforts to protection of persons and interestsentitled to protection which efforts will be always adequately supported. Simple, probable explanation of leak in your office would seem to be that newspaper correspondents abuse your courtesy by utilizing interviews for sensational despatches. (signed) Olney".

Washington, Feb. 23. 1897.

"Lee, Consul General, Habana.

Inform Julio Sanguily and his counsel that in order to perfect issuance of pardon appeal should be withdrawn and notice of withdrawal at once given here and in Madrid.
(signed) Olney".

Washington, Feb. 23. 1897.

"American Consul General, Habana.

Barker despatch relative to Cazanas case just received. Report upon whole case. Facts as to naturalization and citizenship, and what you have done or are preparing to do .
(signed) Rockhill".

No. ____

U. S. CONSULATE GENERAL.

~~4~~

HABANA,

Washington, Feb. 25. 1897.

"Lee, Consul General, Habana.
In Cazanas case you must ascertain and report facts as to residence. (signed) Rockhill".

I also confirm my despatch of today reading:-
Habana, Feb. 25. 1897.

"Assistant Secretary State, Washington.
Casanas resides Sagua since registered here 1872. See my cable yesterday.
(signed) Lee".

I am, Sir,

Your ~~obedient servant~~,

Fitzhugh Lee

Consul General.

No. 368.

ASSISTANT SECRETARY
FEB 27 1897
DEPARTMENT OF STATE

INDEX BUREAU
REC'D.
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U. S. CONSULATE GENERAL.

HABANA, February 24th, 1897.

Copied for Sec.

File

Secretary of State.
FEB 27 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

File

Transmission of papers relative to Dr.RUIZ's case.

2 Enclosures.

No. 368.

U. S. CONSULATE GENERAL.

HABANA, February 24th, 1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to the case of Dr.RUIZ I transmit herewith copy-translation of papers in connection therewith which explain themselves.

I am, Sir, your obedient servant,

Consul General.

2 Enclosures:

No.1.Mrs.Ruiz's letter to Consul General.

No.2.Translation of words written by Dr.Ruiz on a chair with his finger nail shortly before his death.

Enclosure No. 1 With Despatch No. 368 Habana, Feb. 24, 1897.

TRANSLATION.

GUANABACOA, Feb. 21, 1897.

To the Consul General of the United States,

Habana.

Sir:

I address you, as the representative of my husband's rights, to inform you that on the 4th instant at 9 a.m. the American citizen RICARDO RUIZ de UGARRI was taken from his house, Jesus Maria street No. 2, Guanabacoa, by order of the Municipal Mayor of this town and of the Judge of Instruction La Rosa, and confined incomunicado (deprived of outside intercourse) from the first moment, in the second cell, right hand side of the first court or yard of the jail of Guanabacoa. He was kept there until his last moments, when he was removed to another cell, opposite the former. He died without medical attendance, having been ill during three days, during which period he cried and begged to see his children, he also begged that Messrs. Gratacós and Puiggros, witnesses in his case, be brought to him. No notice whatever was taken of his petitions, neither was any notice taken of his pitiful condition, not even of his death, although known to all of them.

I have been informed that though the food I sent him with my servant was said to have been eaten by him, it is not so, because owing to the bad smells prevailing in the cell he could not eat and he threw away the food. On the day previous to his death his cell was cleaned, for which purpose Ruiz was momentarily taken to another cell and afterwards in the same afternoon again thrown into his former cell. During the 13 days that he remained incomunicado they did not allow me to take to him a cot or even a hammock, but only a hard chair on the 9th February, when the Jail official finally after my repeated requests consented or allowed me to send my husband the

chair, I send to you herewith,, and on which you will see the last impressions of a man, in his full mental faculties.

I used my utmost efforts to have the body delivered to me for burial, and this was denied, it was left on the floor from 1 p.m., Wednesday, day and hour of his death, until the next day at 7 o'clock a.m., when I was able to send him a coffin and accessories. The body was then placed under key in the gallery of the jail, I went to see the body in person and took along some flowers at half-past twelve, and upon his hair being cut, I noticed on the top of the head a wound, and his left hand clenched, and of purple color, among the clothes returned to me there were torn handkerchiefs and his Derby hat torn to pieces. The servant who used to take along the food went to the jail, as usual about half-past two p.m., on Wednesday, that is to say about an hour and a half after he had died, and notwithstanding this fact, at the jail they accepted the refreshment I sent him, without saying a word to the servant. I was informed of his death at about 6 p.m. by a neighbor, not having had previously the slightest notice of such a sad event having occurred, although I have ascertained that the Municipal Mayor was asked for medical help by the Jail official, who first had applied to the Judge of Instruction and afterwards to the Civil Judge, in both cases without result, because the former stated that he had been eliminated from the case, and the latter that he had not received yet the proceedings. To-day is Sunday the 21st, and my husband's case is not yet in the hands of the civil court, notwithstanding you were informed, Mr. Consul, by the General Government that it had been referred to the civil court on Sunday the 14th.

I inform you of all this in order that you may please see that justice is made with respect to the infamy committed in

the person of my husband,because he has lacked all the help or aid necessary for his salvation;he was not cared for;was not even taken to the infirmary of the jail,nothing at all,in brief, was done;he was incomunicado, in the narrowness of a cell of a yard and one-half width,with short length,hermetically closed by a black wooden door,and only a small opening in the back of the cell for the purpose of respiration.

You will see,Consul,how a poor widow and five unfortunate children have been left in [redacted] indigence. I put them under your protection,as they have lost in such a villanously manner their father. On Tuesday ,Feb.16,Mr.Juan Gratacos at half-past two p.m.heard a voice crying and calling his name,and tried to approach the cell,but he could not do so,on account of the incommunication.

(Signed) Rita Lezca,widow of Ruiz.

Enclosure No. 2 With Despatch No. 368 Habana, Feb. 24, 1897.

Translation of the words found on the chair which Mrs. Ruiz sent to her husband on the 9th Feb., as stated in the letter (enclosure No. 1). These words appear to have been written by Dr. Ruiz shortly before his death, with a finger nail.

"Gloria, Nena, Evangelina, Ricardito and Rene, good-bye my children, I am taken away, you will be killed if I am taken to Havana, I bless you all, good-bye Ritilla, my love, be obedient with your mother".

No. 369.

ASSISTANT SECRETARY
FEB 27 1897
DEPARTMENT OF STATE.

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U. S. CONSULATE GENERAL.

HABANA, February 24,1897.

Secretary of State.
FEB 27 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to the arrest, imprisonment and death in a cell, at the Guanabacoa jail, of the American citizen Dr. RICARDO RUIZ.

No. 369.

U. S. CONSULATE GENERAL.

HABANA, February 24th, 1897.

Honorable Richard Olney,

Secretary of State,

Washington, D.C.

Sir:

In confirming receipt of your long cypher cablegram of the 21st instant, I want to say I do not understand why you should call my attention to "my duty to protect Dr. RUIZ before death, as well as afterwards." You forget that he was "incomunicado", and in that condition no one was allowed to see him or communicate with him. I have tried to do so frequently in other cases, and representatives sent from this Consulate have been refused also. During that "living death" confinement the prisoner is excluded from the "World and all that there is in it."

You say Dr. RUIZ has "forfeited any right to United States protection, because he was naturalized, if at all, many years ago". And you inquire if I had ascertained facts on these points, — when I had reported his arrest as that of an American citizen, and his death and other facts, because he was, as stated, registered in this Consulate as an American.

As I understand, my duty is to see that all rights and privileges which are guaranteed by the laws and treaties should apply equally to naturalized, as well as native citizens. If citizens naturalized many years ago have forfeited United States protection, as you claim, we have been throwing away much valuable time in the consideration of the majority of cases that have arisen on this Island.

It seems I did not make it plain when I said that all knowledge of RUIZ's death was confined to officials. I meant

U. S. CONSULATE GENERAL.

HABANA,

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that the exact manner of his death would probably never be determined; but there is strong testimony derived from his relatives, friends and other gentlemen, who live in Guanabacoa, that he was murdered, and to-day I hear, as coming from a Spanish Priest, that he was killed by blows on the head in an attempt to make him confess that he knew something about the recent attack on the Habana and Guanabacoa Rail-road.

In the investigation the Spanish authorities propose to hold, not one of these witnesses will dare to appear and this report will embrace only such testimony as they direct to appear.

Again, my suggestion that the demand for release of all American prisoners would be timely, was made because their long confinement, without trial, was gradually killing them in this hot, sickly climate, even as RUIZ was killed by other methods.

The fact of Scott's arrest was duly reported. He was placed "incomunicado", and a representative of this Consulate was twice refused permission to see him. After viewing RUIZ's dead body, and hearing the cries of his people, I determined to demand that Scott, who had then been "incomunicado" 264 hours, or up to his release 14 days, should not suffer any longer, if I could help it, and I believe I succeeded in getting him out, just in time to prevent the record of another American dead in a Spanish cell.

I am, Sir, your obedient servant,

Consul General.

Mr.

369 (?)

No. 370.

Dek? March 6/97

U. S. CONSULATE GENERAL.

HABANA, February 24, 1897.

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ASSISTANT SECRETARY MAR 3 1897 DEPARTMENT OF STATE

Mr. LEE

TO THE

DEPARTMENT of STATE.

Mr Bryan

Reply done

NP

Consul even in minor despatches advantage

Case of Mr. Juan F. Steegers.

No. 370.

U. S. CONSULATE GENERAL.

HABANA, February 24,1897.

Honorable William W.Rockhill,
Assistant Secretary of state,
Washington,D.C.

Sir:

I call your attention to the case of Mr.JUAN FRANCISCO STEEGERS,born in Havana in 1856,he went to the United States in 1860 and returned in 1878,while at Key West in 1878 applied for and received naturalization papers; but at that time it appears he was only 18 years of age,and,therefore,his papers are invalid,but as he remained there 4 years after such application,which made him 22 years of age, at which age he could have applied for the proper papers I write to ask if the mistake which he unknowingly made in his application for naturalization can be corrected at this date,so that he be properly enrolled in this Consulate General.

I am,Sir,your obedient servant,

Consul General.

TELEGRAM RECEIVED IN CIPHER.

DEPT. OF STATE
FEB 25, 1 27 AM 1897
CHF. CLKS. OFFICE
RECEIVED

From Havana, February 25, 1897.

Secretary of State,

Washington,

Ruiz in good professional position, supported family thereby, wife five children, eldest thirteen, youngest three, deprived support. Treaty rights violated. Cannot demand be made for indemnity?

Lee.

Biddle.

Confidential

ASSISTANT SECRETARY
FEB 28 1897
DEPARTMENT OF STATE.

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REC'D.
FEB 26 1897
DEPT. OF STATE

Consulate-General of the U.S.
Havana, February 25. 1897.

Confirmed March 3/97

FORM No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
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NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM

4 Co by fy, U.S.Govt, HAVANA 22, Feby 25-

RECEIVED at _____ 189

Assistant Secretary State, WASHINGTON.

Casanas resides Sagua since registration here 1872 see my cable yesterday.

Lee,

Consul- General ,

635pm,

No. 371.

U. S. CONSULATE GENERAL.

HABANA, February 25th, 1897.

25

MR. LEE

to the

DEPARTMENT OF STATE,

WASHINGTON, D.C.

Relative to the case of RICARDO RUIZ.

2 Enclosures.

No. 371.

U. S. CONSULATE GENERAL.

HABANA, February 25th, 1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to my previous despatch No.368 of the 24th instant, relative to the case of Dr.RICARDO RUIZ, I enclose copy-translation of communication from Acting Governor General, in connection therewith, which does not conform ~~by letter~~ with the statements which have been made to me by many persons who, in my opinion, are worthy of belief. You will notice that the Acting Governor general states that I was present at the autopsy, with Dr.Burgess, and such statement would seem to imply that we both agreed to the report of the Spanish physicians, which we have not seen; as a matter of fact, while being in and out of the building where the post-mortem examination was being held I never went into the room, where it was conducted, and I would not have known anything about it, if I had.

I also enclose you a statement from Dr.Burgess, which speaks for itself.

I am, Sir, your obedient servant,

Consul General.

2 Enclosures:

Enclosure No. 1

With Despatch No. 341

H A B A N A , February 26 1897.

TRANSLATION.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL. STAFF.

From the proceedings initiated yesterday at Guanabacoa, in consequence of the facts denounced by you in connection with the death of the American citizen RICARDO RUIZ, it results:

That on the 4th instant the said Ricardo Ruiz was arrested, because he was complicated in the cause, which is being instruct-ed on account of the assault by the rebels on a passenger train on the night of the 16th January last; on the same day, 4th instant, a declaration was obtained from him, in which he did not allege his American citizenship, and in consequence of your communication of the 5th instant I claimed the cause, and after the necessary legal proceedings I decreed on the 14th its inhibition in favor of the ordinary jurisdiction, in compliance with the protocol of the 12th January, 1877, Ruiz was incomunicado upon my claiming the cause, and he had to continue in the same condition (incomunicado), because the Code of Military Justice does not fix a period for the incommunication, and while the competency was not resolved the Judge of Instruction could not take any determination whatever.

The appartment or room in which the prisoner was placed is of a rectangular base, has 2 metres and 50 centimetres width, about 8'3ft its length is 5'85, and its height 5'90, with a wooden door with about 20ft and iron grating, and a window on said door measuring 1 metre 4ft and 10 centimetres of base and 0'45 height, the floor has no 2ft signs of dampness and the walls whitewashed up to one metre high; from his entrance the prisoner had a large chair, which he could use as a bed, with its matress, sheets, blanket and pillows.

That on the 15th a blow was heard in the room; the jail keeper appeared and found Ruiz very excited and with signs of a blow in the head, for which reason he called a physician who

afforded him medical aid, and in order to prevent Ruiz from again attempting against his life he was trasnferred to another room in better conditions, and where he could be watched better; on the 17th the person who was in charge of taking to him (Ruiz) his medicines, found him in the attitude of butting against the bars of the door with his head, and he was prevented from hitting himself; shortly afterwards he died from congestion of the brain.

That he was treated with more care than the other prisoners, attending to his room as soon as he called or complained; his prison was cleaned daily.

That the physicians who performed the autopsy on his body, by order of the Court of Instruction, an act which was witnessed by yourself and Dr.Burgess, declare that Ricardo Ruiz died from congestion of the brain with which congestion the erosion on the head had no connection, and that said erosion being superficial it was not sufficient to cause by itself the congestion.

And, therefore, deducing from the above stated that the erosion which appeared on the head was produced by the same Ruiz and that accordingly there is no responsibility to demand, in conformity with Judge of Instruction and the Advocate General, I have deemed the proceedings as terminated, informing you thereof, as I promised in my communication of the 22nd instant.

God guard you many years.

Habana, 24 February, 1897.

(Signed) El Marques de Ahumada,

General 2nd in command and in charge.

To the Consul General of the United States.

Enclosure No. 2.

With Despatch No.371.

H A B A N A , February 26,1897.

HABANA,February 25th,1897.

Fitzhugh Lee,Esq.,

U.S.Consul General,

Habana.

Sir:

Having accompanied you to Guanabacoa on the 18th instant, I was present,as you know,and took part in the post-mortem examination held on the body of Dr.RICARDO RUIZ,who died in a cell in the jail at that place on the 17th instant. At your request I have the honor to report that a full investigation of his death and the causes which led to it was made by the two attending Spanish physicians and myself. I have not received any copy of their report of the autopsy,but so far as I am concerned will say that there seems to be no mark of violence on his body or limbs,but there was a severe contusion on the head almost an inch and one half long by a half inch wide. Dr.RUIZ died of congestion of the brain,and while said contusion was produced by a blow or blows,and while the skull was not fractured, yet,in my opinion,it was produced by a blow or blows which while not fraturing the skull were of sufficient severity to cause congestion. There was considerable blood oozing from the mouth,which might have been the result of advancing decomposition.

I am,Sir,your obedient servant,

(Signed) D.M.Burgess,

U.S.Sanitary Inspector at this Port.

No. 372.

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U. S. CONSULATE GENERAL.

HABANA, February 25.1897.

Mr.Lee

to the

Department of State.

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Confirming telegrams.

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No. 372.

U. S. CONSULATE GENERAL.

HABANA, February 25.1897.

Honorable W.W.Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to confirm the following telegram:-

Habana,Feb.24.1897.

"Secretary of State,Washington.

Could not watch Ruiz case before death because he was "incomunicado". There is good evidence he was killed in an attempt to make him confess connection attack on railroad.

(signed) Lee".

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Deciphered by E. L. W.

Copy.

TELEGRAM RECEIVED.

From Habana

February 26, 1897.

Received 9 35 P M.

Secretary State
Washington

First sentence despatch 22nd gives information asked for in yours of to day. Ruiz naturalized court common pleds No 3. County Phieladelphia held at Phieladelphia 21st January Eighteen Eighty, I have his naturalization papers with seal said court, Ruiz did not go to the United States after arriving here in 1880 but always had such intention and formed his plans for that purpose and so entered them in a book requesting that in case of death he should be buried in Greenwood Brooklyn where he has a member of family buried, Ruiz cedula issued by the mayor of Guanabacoa, renewed yearly recognizes and admits his American citizenship, since 1881

TELEGRAM RECEIVED.

From _____

_____, 189 .

_____ Received _____ M.

_____

_____

It has not been necessary to present cedulas to this consulate to renew, cedula has been surrendered and attached to proceedings for burial,

Lee.

Copy.

✓ Deciphered by E.L.W.

TELEGRAM RECEIVED.

From Havana

February 26, 1897.

Received 8,55 P.M.

Secretary of State
Washington

Report received from Ahumada acting Governor General says briefly proceedings in connection with death American citizen Ricardo Ruiz are terminated, that code military justice does not fix period for incommunication, that room the prisoner was confined in was eight one third by twenty feet, had wood door with iron grating and window in said door measuring four by two feet, that physicians who performed autopsy which was witnessed by Dr. Burgess and myself declared that Ruiz died congestion brain with which contusion head had no connection that he was treated with more care than any other prisoner, attendants went to him as soon as called and prison cleaned daily, all of which is not in accordance with testimony I have

TELEGRAM RECEIVED.

From _____

_____, 189

_____ Received _____ M.

_____

_____

Room referred to was one probably into which he was moved just previous or after death, Burgess signed no such autopsy ~~certificate~~ certificate but ~~certain~~ says in a written certificate contusions came from blow and death from contusion. I was in the building but not in the operating room, Report of the Spanish authorities and Burgess certificate mailed tomorrow.

Lee

W.

TELEGRAM RECEIVED. Cipher

From Havana

February 26, 1897.

Received 1:40 P. M.

Secretary of State
Washington.

Your cable 23 for information twice asked for refers probably to Scott or Cazanas at Sagua. Latter takes time to answer. My despatch of 11th gave Ruiz' nationality, business and place of residence. No inquiry before whether went in or out of the United States. I will ascertain. Section 2000 Revised section [Statutes?] was obligatory, there existing no convention with Spain respecting limitations of naturalization. Believed it my duty to protect Ruiz as in all previous cases of naturalized citizens from Sangnily to Scott.

Lee

Boyd

3
10 U.S

Confirmed March 6/97

TELEGRAM RECEIVED.

Secretary of State.
FEB 27 1897

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REC'D.
MAR 3 1897
DEPT. OF STATE

From Havana

Feb 26, 1897.

Received 2 55 P.M.

Secretary of State

Washington

Sanguily released today

Lee

ASSISTANT SECRETARY
MAR 1 1897
DEPARTMENT OF STATE.

TELEGRAM RECEIVED.

INDEX BUREAU
REC'D.
MAR 3 1897
DEPT. OF STATE

From Havana

Feby 27, 1897

Assistant Secretary State, Received 3.50 P.M.

Washington.

Cazanas resided on Plantation in Santa Clara Province until May last, since then resided in Sagua, owns property in New York

Lee

Consul General.

Confirmed March 6/97

No. 373.

ASSISTANT SECRETARY
MAR 5 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

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HABANA, February 27th, 1897.

File

Mr. LEE

to the

DEPARTMENT OF STATE.

File

Case of the American citizen CHARLES SCOTT.

No. 373.

U. S. CONSULATE GENERAL.

HABANA, February 27th, 1897.

Honorable William W.Rockhill,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to the case of the American citizen Charles Scott, arrested at Regla on the 9th instant, I have the honor to report that the Acting Governor General informs me under date of the 24th instant that his incommunication has been raised, and that his case has been referred to the civil jurisdiction.

I am, Sir, your obedient servant.

Consul General.

No. 3 7 4.

U. S. CONSULATE GENERAL.

HABANA, February 27th, 1897.

Mr. LEE

to the

Department of State.

Return from leave of Mr. Springer, Consular Clerk and Vice Consul General.

No. 374.

U. S. CONSULATE GENERAL.

HABANA, February 27th, 1897.

Hon: William W. Rockhill,

Assistant Secretary of State.

Washington. D. C.

Sir:

I have the honor to inform the Department of the return from leave of absence on the 25th instant and resumption of his duties, of Mr. Joseph A. Springer, U.S. Consular Clerk and Vice Consul General at this office.

I am, Sir,

Your obedient servant,

Consul General.

No. 375.

ASSISTANT SECRETARY
MAR 9 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

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MAR 5 1897
DEPT. OF STATE

HABANA, February 27th, 1897.

Mr. LEE

to the

DEPARTMENT OF STATE.

Acknowledging receipt and confirming telegrams.

No. 375.

U. S. CONSULATE GENERAL.

HABANA, February 27.1897.

Honorable W. W. Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

I acknowledge the receipt of the following telegrams:-

Washington,Feb.25.1897.

"Lee,Consul General General,Habana.

In Casañas case you must ascertain and report facts as to residence. (signed) Rockhill."

Washington,Feb.26.1897.

"Lee,Consul General,Habana.

Cable copy entry in your registration book concerning Francis Casañas. Give number of his passport. (signed) Rockhill."

Washington,Feb.26.1897.

Lee Consul General,Habana.

Yours Ruiz letter of 20th.received. Nothing in it respecting Ruiz' U.S.citizenship. Cable copy of any record or registrationon the subject in your office,also any facts relative there to. (signed) Olney."

I also confirm the following telegrams:-

Habana,Feb.26.1897.

"Assistant Secretary of State,Washington.

Casañas resides Sagua since registration here 1872. See my cable yesterday. (signed) Lee."

Habana,Feb.26.1897.

"Secretary of State,Washington.

Report received from Ahumada,in charge,says,briefly,proceedings connection death American citizen Ricardo Ruiz are

U. S. CONSULATE GENERAL.

HABANA,

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terminated: that Code Military Justice does not fix period for incommunication: that room prisoner was confined was 8 and 1/3 feet by 20 feet and height 20 feet: had wooden door with iron grating, and a window on said door measuring 4 feet by 2: that physicians who performed autopsy, which was witnessed by myself and Dr.Burgess, declared Ruiz died congestion brain, with which, contusion had no connection: that he was treated with more care than other prisoners. Attendants went to him as soon as called and prison cleaned daily, all of which is not in accordance with testimony I have. Room referred to was one probably he was moved just previous or after death. Burgess signed no such certificate of autopsy, but says in a written certificate contusion came from blows and death from contusion. I was in building but not in operating room. Report of Spanish authorities and Burgess' certificate mailed tomorrow. (signed) Lee."

Habana, Feb.26.1897.

Secretary of State, Washington.

First sentence despatch 22nd. gives information asked for in yours of today. Ruiz naturalized Court Common Pleas, No.3 County Philadelphia, held at Philadelphia 21st.January, 1880. I have ~~naturally taken certificate~~ his naturalization papers, with seal said Court ~~of~~ forth. Ruiz did not go to the U.S. after arriving here in 1880 but always had such intentions and formed his plans for that purpose, and so entered them in a book, requesting that in case of death he should be buried in Greenwood Cemetary, Brooklyn, where he has a member of his family buried. Ruiz cedula issued by the Mayor of Guanabacoa, renewed yearly, recognizes and admits his American citizenship. Since 1881 it has not been necessary to present cedulas to this Consulate to renew. Cedula has been subscribed

No. _____.

U. S. CONSULATE GENERAL.

HABANA,

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and attached to proceedings for burial. (signed) Lee."

Habana, Feb. 27. 1897.

"Assistant Secretary Of State, Washington.

Casañas resided on plantation in Santa Clara province until May last, since then resided in Sagua. Owns property in New York. (signed) Lee."

I am, Sir,

Your obedient servant,

Consul General.